

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 1993**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SECOND CONGRESS
SECOND SESSION**

**SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES**

NEAL SMITH, Iowa, *Chairman*

BILL ALEXANDER, Arkansas

HAROLD ROGERS, Kentucky

JOSEPH D. EARLY, Massachusetts

RALPH REGULA, Ohio

BOB CARR, Michigan

JIM KOLBE, Arizona

ALAN B. MOLLOHAN, West Virginia

NANCY PELOSI, California

JOHN G. OSTHAUS, GEORGE H. SCHAFER, and SALLY A. CHADBOURNE, *Subcommittee Staff*

PART 2B

DEPARTMENT OF JUSTICE

| | Page |
|---|-------------|
| Immigration and Naturalization Service | 1 |
| United States Marshals Service, Support of United States Prisoners | 269 |
| Federal Bureau of Investigation | 385 |
| Federal Prison System | 605 |
| United States Parole Commission | 769 |
| Drug Enforcement Administration | 803 |
| Assets Forfeiture Fund | 907 |
| Organized Crime Drug Enforcement | 961 |
| Community Relations Service | 1109 |
| Foreign Claims Settlement Commission | 1187 |

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE

55-087 O

WASHINGTON : 1992

H 181-49

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-038502-4

COMMITTEE ON APPROPRIATIONS

JAMIE L. WHITTEN, Mississippi, *Chairman*

WILLIAM H. NATCHER, Kentucky,
Vice Chairman

NEAL SMITH, Iowa

SIDNEY R. YATES, Illinois

DAVID R. OBEY, Wisconsin

EDWARD R. ROYBAL, California

LOUIS STOKES, Ohio

TOM BEVILL, Alabama

BILL ALEXANDER, Arkansas

JOHN P. MURTHA, Pennsylvania

BOB TRAXLER, Michigan

JOSEPH D. EARLY, Massachusetts

CHARLES WILSON, Texas

NORMAN D. DICKS, Washington

MATTHEW F. McHUGH, New York

WILLIAM LEHMAN, Florida

MARTIN OLAV SABO, Minnesota

JULIAN C. DIXON, California

VIC FAZIO, California

W. G. (BILL) HEFNER, North Carolina

LES AUCCOIN, Oregon

BERNARD J. DWYER, New Jersey

STENY H. HOYER, Maryland

BOB CARR, Michigan

ROBERT J. MRAZEK, New York

RICHARD J. DURBIN, Illinois

RONALD D. COLEMAN, Texas

ALAN B. MOLLOHAN, West Virginia

LINDSAY THOMAS, Georgia

CHESTER G. ATKINS, Massachusetts

JIM CHAPMAN, Texas

MARCY KAPTUR, Ohio

LAWRENCE J. SMITH, Florida

DAVID E. SKAGGS, Colorado

DAVID E. PRICE, North Carolina

NANCY PELOSI, California

PETER J. VISCLOSKY, Indiana

JOSEPH M. McDADE, Pennsylvania

JOHN T. MYERS, Indiana

CLARENCE E. MILLER, Ohio

LAWRENCE COUGHLIN, Pennsylvania

C. W. BILL YOUNG, Florida

RALPH REGULA, Ohio

CARL D. PURSELL, Michigan

MICKEY EDWARDS, Oklahoma

BOB LIVINGSTON, Louisiana

BILL GREEN, New York

JERRY LEWIS, California

JOHN EDWARD PORTER, Illinois

HAROLD ROGERS, Kentucky

JOE SKEEN, New Mexico

FRANK R. WOLF, Virginia

BILL LOWERY, California

VIN WEBER, Minnesota

TOM DELAY, Texas

JIM KOLBE, Arizona

DEAN A. GALLO, New Jersey

BARBARA F. VUCANOVICH, Nevada

JIM LIGHTFOOT, Iowa

FREDERICK G. MOHRMAN, *Clerk and Staff Director*

NOTES:

The Honorable Silvio O. Conte was Ranking Minority Member of the Committee until his death on February 8, 1991.

The Honorable William H. Gray III resigned from the Committee on September 11, 1991.

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGEN-
CIES APPROPRIATIONS FOR 1993**

THURSDAY, MARCH 5, 1992.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

WITNESSES

**GENE McNARY, COMMISSIONER
CHRIS SALE, EXECUTIVE ASSOCIATE COMMISSIONER FOR MANAGEMENT
KENNETH RATH, ASSOCIATE COMMISSIONER FOR FINANCE
DONALD MUELLER, BUDGET DIRECTOR
GILBERT KLEINKNECHT, ASSOCIATE COMMISSIONER FOR ENFORCE-
MENT
JAMES PULEO, ASSOCIATE COMMISSIONER FOR EXAMINATIONS
GROVER JOSEPH REES, III, GENERAL COUNSEL
JOHN P. CHASE, DIRECTOR OF INTERNAL AUDIT
HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-
TRATION
MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL
ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF**

INS BUDGET REQUEST

Mr. SMITH of Iowa. Continuing with our review of the Department of Justice, we will now hear testimony from the Immigration and Naturalization Service (INS), which requests \$1,042,117,000 for their Salaries and Expenses appropriation for fiscal year 1993. In addition, the INS estimates obligations from their various fee accounts as follows:

| | |
|----------------------------------|-------------|
| Immigration legislation | \$4,222,000 |
| Immigration user fee..... | 215,982,000 |
| Land border inspection fee..... | 4,000,000 |
| Immigration examination fee..... | 238,597,000 |

We will insert in the record at this point the INS fiscal year 1993 budget justifications.

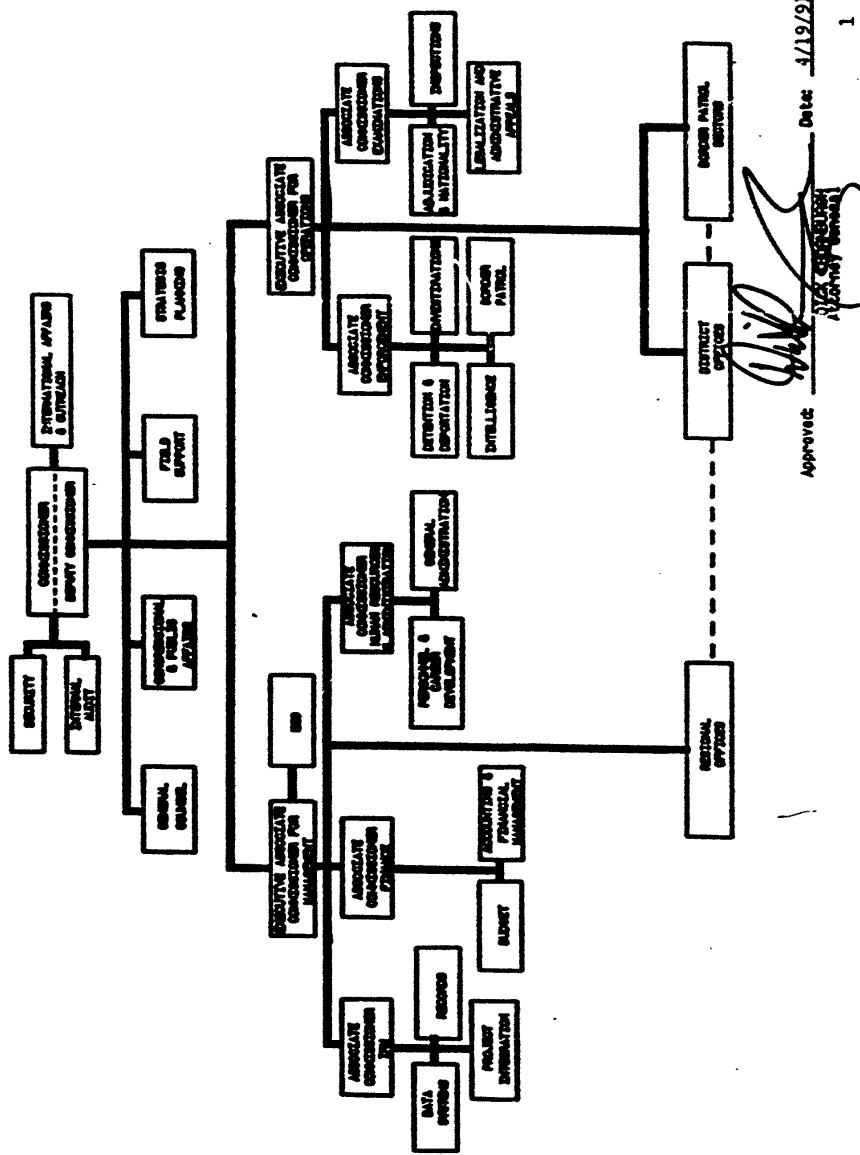
[The justifications follow:]

Department of Justice
Immigration and Naturalization Service
Estimates for Fiscal Year 1993

Table of Contents

| Item | Page Number |
|--|----------------|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language..... | 5 |
| Crosswalk of 1992 Changes..... | 6 |
| Summary of Requirements..... | 7 |
| Summary of Resources by Program..... | 8 |
| Justification of Program and Performance Inspections..... | 9 |
| Border Patrol..... | 11 |
| Investigations..... | 14 |
| Anti-Smuggling..... | 18 |
| Detention and Deportation..... | 20 |
| Employer and Labor Relations..... | 23 |
| Training..... | 25 |
| Data and Communications..... | 27 |
| Information and Records Management..... | 30 |
| Intelligence..... | 34 |
| Research and Development..... | 36 |
| Construction and Engineering..... | 37 |
| Field Management and Support..... | 38 |
| Legal Proceedings..... | 39 |
| Executive Direction and Control..... | 44 |
| Administrative Services..... | 46 |
| Financial Analysis - Program Changes..... | 49 |
| Status of Construction and Summary of New Facilities Requirements..... | 53 |
| Priority Ranking..... | 55 |
| Detail of Permanent Positions by Category..... | 58 |
| Schedule of Motor Vehicles..... | 59 |
| Schedule of Aircraft..... | 60 |
| Summary of Change..... | 61 |
| Justification of Adjustments to the Base..... | 63 |
| Summary of Requirements by Grade and Object Class..... | 64 |
| | 69 |

IMMIGRATION AND NATURALIZATION SERVICE



Immigration and Naturalization Service

Salaries and Expenses

Summary Statement

Fiscal Year 1993

The Immigration and Naturalization Service (INS) is requesting, for 1993, a total of 12,759 permanent positions, 12,187 workyears and \$1,066,877,000. This request represents an increase of \$49 positions, 202 workyears, and \$120,836,000 over the 1992 appropriation anticipated of 12,210 positions, 11,985 workyears and \$945,741,000 including program increases of 636 positions, 180 workyears and \$35,514,000. In addition, a program reduction of \$2,820,000 from the equipment base is included to meet targeted budget levels under the Budget Enforcement Act. This request also includes \$14,160,000 anticipated from the Advance Appropriation from Assets Forfeiture Fund Capital Surplus and a transfer of \$10,300,000 from the Special Forfeiture Fund.

INS is also requesting 143 positions, 127 workyears and \$12,345,000 as part of the 1993 consolidated Organized Crime Drug Enforcement (OCDE) budget request, that includes a program increase of 22 positions, 6 workyears, and \$1,326,000. OCDE resources are contained in the Department of Justice Interagency Law Enforcement Appropriation and will be allocated to INS on a reimbursable basis.

The program increases requested in this budget will enable INS to address critical law enforcement, detention and legal support needs. These increases are categorized into four priority areas: (1) Control of the Border; (2) Criminal Alien Management; (3) Detention Support; and (4) Implementation of the Immigration Act of 1990 (IMMACT 90).

Control of the Border

Border Patrol Program

For the Border Patrol program the request includes the addition of 200 positions, 50 workyears and \$8,620,000 to address staffing resource needs related to three broad areas: (1) increasing border-wide apprehensions, (2) reducing the incidence of violence and assaults in both the San Diego border area and other Southern Border locations, and (3) maintaining an effective interdiction program between the ports-of-entry. With the agents included in this request, coupled with new electronic detection equipment purchased in 1991, it will be possible to significantly increase Border Patrol effectiveness in the San Diego area, as well as in other high activity areas along the border.

Criminal Alien Management

Investigations Program

Current staffing resources in the Investigations program are insufficient to meet increased workload related to the growing criminal alien population in the United States. There has been a substantial increase in the identification of and initiation of deportation proceedings against criminal aliens apprehended in the interior of the United States over the last five years. In 1986, there were 60,278 deportable aliens apprehended by the

Investigations program including 12,843 criminal aliens (21 percent). In succeeding years the percentage of criminal aliens has not dropped below 50 percent. In 1991, there were 63,631 deportable aliens apprehended, of whom 35,975 were criminal aliens (56.5 percent).

An increase of 50 positions, 13 workyears and \$2,150,000 is requested to combat the growing criminal alien problem. These positions will be used to expand service efforts against incarcerated criminal aliens and those just entering the criminal justice system. The identification of criminal aliens and initiation of deportation proceedings early in an alien's incarceration will ultimately reduce detention expenses and expedite the removal process after their release.

In addition, included is a request for 44 positions, 11 workyears, and \$1,539,000 for the establishment of a National Enforcement Operations Center that will function 24 hours a day to respond to INS and other Federal, state and local law enforcement agency requests for information concerning aliens.

Local Proceedings Program

Included is a request for 60 positions, 15 workyears and \$1,571,000 to accommodate the increased workload resulting from the addition of 20 Immigration Judges requested for the Executive Office of Immigration Review (EOIR) to facilitate and expedite deportation of criminal aliens. Besides expediting deportation hearings for criminal aliens, the additional staff will allow INS to expand its institutional hearing program at both State and Federal prison facilities.

Detention Support

Detention and Deportation Programs

The resources requested for the Detention and Deportation program in this budget are based on the revised Federal Detention Plan developed in conjunction with INS, EOIR, the Bureau of Prisons and the U.S. Marshals Service. Under this plan, INS detention needs, as well as those of the Bureau of Prisons and the U.S. Marshals Service, are addressed as part of a unified, coordinated and dynamic plan.

Included are requests for (1) 199 positions, 50 workyears, and \$5,627,000 to provide adequate staffing levels at Service Processing Centers; (2) 50 positions, 13 workyears, and \$3,906,000 to staff and operate the INS portion of a joint 1,000 bed INS/BOP contract facility for criminal aliens near San Diego; and (3) \$12,378,000 in funds related to the cost of transporting and detaining aliens.

Construction and Engineering Programs

Included within the Construction and Engineering portion of this initiative is \$1,800,000 to construct support facilities at the Krome, Florida Service Processing Center. These facilities will provide an appropriate level of security by allowing isolation of criminal aliens from the regular detention support facilities for dining, recreation and health needs. Without these support facilities, operations and staffing of the expanded Krome facility will be considerably more expensive to maintain at the required level of security.

IMPACT 90

Legal Proceedings Program

The Immigration Act of 1990 calls for an entirely new civil cause of action against immigration document fraud, that significantly impacts immigration litigation. Providing the necessary levels of legal review and representation resulting from the Act will require 33 positions, 8 workyears and \$43,000. It is anticipated that some 4,800 Notices of Intent to Pile (NIP's) will be issued in the first year of implementation for civil document fraud, requiring close review by INS attorneys of each case to ensure legal sufficiency. It is estimated that 30 percent of the NIP's, over 1,400 cases, will result in a complaint being filed with the Office of the Chief Administrative Hearing Office, necessitating INS legal representation.

Immigration and Naturalization Service
Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed \$415) for replacement only; without regard to the

general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft, and research related to immigration enforcement; (\$938,241,000) V, of which not to exceed \$400,000 for research and (\$17,097,000) A \$1,042,117,000
for construction shall remain available until expended; and of which \$312,473,000 \$11,800,000

788 of which 652 are

shall be available to the Border Patrol program unless a notification required by section 606 of this Act is submitted to the Committee on Appropriations of the House of Representatives and the Senate; Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000; Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year; Provided further, That not to exceed \$5,000 shall be available for official reception and representation expenses.

(94 Stat. 96-98; 22 U.S.C., 1621-1645; 50 U.S.C. App. 2001-2017; Department of Justice and Related Agencies Appropriations Act, 1992; additional authorizing legislation to be proposed.)

Explanation of changes

1. The first change will allow for the purchase of passenger vehicles that will accommodate the Service's vehicle (both new and replacement) needs.
2. The second change will allow the Service to use \$11,800,000 of the amount appropriated for construction on a no-year basis. This amount includes \$10,000,000 for the San Clemente, CA checkpoint project and \$1,800,000 for the Krone, FL Service Processing Center.
3. The third change deletes language earmarking \$312,473,000 for the Border Patrol program.

**Investigation and Maintenance Section
Subcommittee on Personnel
Committee on Labor Channel
(Orders in Dismissal)**

| | 1991 President's Budget Request | | Congressional Appropriation Actions on 1991 Budget | | Adjustments in Perm. Pay and Workyears | | Representing | | 1991 Appropriation | |
|-------------------------------------|---------------------------------|---------------|--|--------------|--|-----------------|--------------|--------------|--------------------|---------------|
| | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY |
| Activity/Program | | | | | | | | | | |
| 1. Enforcement | | | | | | | | | | |
| a. Inspection | 1,108 | 1,516 | 884,449 | | | (18) | | | 1,150 | 1,498 |
| b. Border Patrol | 4,948 | 4,877 | 314,975 | 44 | 33 | 83,008 | (64) | (64) | 4,948 | 4,835 |
| c. Investigations | 1,818 | 1,832 | 114,117 | (154) | (97) | (18,433) | (97) | (97) | 1,757 | 1,735 |
| d. Anti-Smuggling | 399 | 316 | 23,935 | (6) | (3) | (383) | (13) | (13) | 391 | 301 |
| e. Detention & Deportation | 1,238 | 1,484 | 193,446 | (149) | (134) | (34,811) | (69) | (69) | 1,238 | 1,491 |
| f. Employer & Labor Relations | 56 | 47 | 3,499 | | | (1) | (1) | | 56 | 46 |
| Subtotal | 10,181 | 9,682 | 743,482 | (462) | (388) | (11,369) | (231) | (231) | 9,242 | 8,829 |
| 2. Investigation Support | | | | | | | | | | |
| a. Training | 146 | 146 | 11,323 | | | (13) | (1) | (1) | 146 | 99 |
| b. Data & Communications Systems | 140 | 179 | 54,572 | (5) | (3) | (3,477) | (7) | (7) | 140 | 154 |
| c. Information & Records Management | 1,191 | 1,093 | 55,760 | | | (353) | (17) | (17) | 1,044 | 1,076 |
| d. Intelligence | 31 | 48 | 5,045 | | | (7) | | | 31 | 43 |
| e. Research & Development | 4 | 4 | 377 | | | (1) | | | 4 | 4 |
| f. Construction & Engineering | 13 | 12 | 24,323 | | | (7,256) | | | 13 | 12 |
| g. Field Management & Support | 263 | 262 | 21,290 | | | (117) | (4) | (4) | 261 | 259 |
| h. Legal Proceedings | 219 | 461 | 32,499 | (69) | (29) | (2,689) | (3) | (3) | 254 | 456 |
| Subtotal | 2,248 | 2,123 | 206,517 | (68) | (53) | (14,553) | (29) | (29) | 2,168 | 2,099 |
| 3. Program Division | | | | | | | | | | |
| a. Executive Director & Counsel | 181 | 95 | 4,946 | | | (23) | (1) | (1) | 180 | 94 |
| b. Administrative Services | 419 | 363 | 54,879 | (6) | (3) | (4,511) | (7) | (7) | 397 | 371 |
| Subtotal | 599 | 458 | 59,825 | (12) | (6) | (4,534) | (8) | (8) | 577 | 465 |
| Total | 12,994 | 12,498 | 1,000,000 | (479) | (397) | (26,456) | (368) | (368) | 12,319 | 11,903 |

Congressional Appropriation Actions. Congress provided less level funding, with the exception of the increase for OGA rent, which was not approved, and the pay increase required for implementation of Federal Law Enforcement Pay Reform, which was partially funded. Subcommittees of \$13,249,000 were approved.

Adjustments in Permanent Positions and Workyears. The absorption of pay increases related to Federal Law Enforcement Pay Reform and General Pay Reform will not allow for all of the positions and workyears that Congress may have expected. These columns display the adjustments in permanent positions and workyears necessary to support the President's budget.

Reallocations. The reprogramming of positions and budget authority reflects the permanent effect of the July 2, 1991, reprogramming notification. In the narrative accompanying the notification it was stated that elements of the reprogramming were permanent in nature and would carry into 1992.

Immigration and Naturalization Service

Salaries and expenses

Summary of Appropriations

(Dollars in thousands)

Adjustments to base:

| | Perm. | Pos. | WY | Amount |
|--|--------|--------|--------|-----------|
| 1982 as enacted (Department of Justice Appropriations Act, 1982) | 12,403 | 12,179 | 12,179 | \$938,241 |
| Treasury, Postal Service and General Government Appropriations Act, 1982 | 75 | 75 | 75 | 7,800 |
| Adjustments in permanent positions and workyears | 2,210 | 11,868 | 12,078 | 943,741 |
| 1982 appropriation anticipated | 12,310 | 12,129 | 12,129 | 10,320 |
| Transfer from the Special Foreclosure Fund | ... | ... | ... | 14,180 |
| Advance appropriation from the Assets Forfeiture Fund Capital Surplus | ... | ... | ... | ... |
| Adjustments in permanent positions and workyears | (87) | (87) | (87) | 65,731 |
| Mandatory increase | ... | ... | ... | ... |
| Decreases (automatic, non-policy) | ... | ... | ... | ... |
| 1983 base | 12,125 | 12,027 | 12,027 | 1,031,063 |

1982 Appropriation

| | Perm. | Pos. | WY | Amount | Perm. | Pos. | WY | Amount | Increase/Decrease |
|------------------------------|--------|--------|-----------|--------|--------|--------|-----------|--------|-------------------|
| Estimates by budget activity | Pos. | WY | Amount | Perm. | Pos. | WY | Amount | Perm. | Pos. |
| 1. Enforcement | 9,545 | 9,429 | \$702,482 | 9,463 | 9,476 | 10,006 | \$783,107 | 543 | 137 |
| 2. Immigration Support | 2,168 | 2,090 | 183,996 | 2,164 | 2,096 | 2,267 | 210,213 | 83 | 23 |
| 3. Program Direction | 487 | 468 | 59,284 | 486 | 468 | 486 | 73,287 | ... | ... |
| Total | 12,210 | 11,986 | 945,762 | 12,113 | 12,067 | 12,759 | 1,066,607 | 636 | 180 |

EOY Employment

| | Perm. | Pos. | WY | Amount | Perm. | Pos. | WY | Amount |
|---------------------|--------|-------|--------|--------|--------|-------|--------|--------|
| Full-time permanent | 11,141 | 4,156 | 18,297 | 18,297 | 11,517 | 4,463 | 18,132 | 1,658 |
| Other | 653 | 712 | 1,065 | 1,065 | 604 | 433 | 1,099 | 2,182 |
| Total | 11,804 | 4,868 | 19,362 | 19,362 | 12,121 | 4,896 | 19,231 | 2,182 |

**Landmarks and International Services
Administration and Support
Budget of the Department of Defense
(Dollars in thousands)**

| | 1991 as Requested | | | 1991 Actual | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--------------------------------------|-------------------|--------|---------|-------------|--------|---------|--------------------|--------|---------|-----------|--------|---------|---------------|--------|---------|-------------------|-----|--------|
| | Enb. | MTL | Amount | Enb. | MTL | Amount | Enb. | MTL | Amount | Enb. | MTL | Amount | Enb. | MTL | Amount | Enb. | MTL | Amount |
| Defense Support | | | | | | | | | | | | | | | | | | |
| Defense Support: | | | | | | | | | | | | | | | | | | |
| Intelligence: | 1,093 | 1,449 | 575,110 | 1,033 | 1,265 | 573,300 | 1,119 | 1,490 | 580,122 | 1,145 | 1,561 | 596,110 | 1,115 | 1,561 | 596,110 | - | - | (90) |
| Border Patrol: | 4,966 | 4,352 | 288,710 | 4,909 | 4,337 | 293,317 | 4,946 | 4,433 | 310,975 | 4,907 | 4,404 | 304,478 | 5,137 | 4,686 | 325,486 | 230 | 28 | 6,008 |
| Investigation: | 1,425 | 1,136 | 91,546 | 1,425 | 1,421 | 97,649 | 1,317 | 1,450 | 106,664 | 1,356 | 1,439 | 113,543 | 1,425 | 1,485 | 113,543 | 69 | 54 | 1,643 |
| Anti-Drug: | 313 | 313 | 21,143 | 313 | 309 | 20,743 | 313 | 301 | 22,682 | 317 | 307 | 23,889 | 317 | 307 | 23,779 | - | - | (109) |
| Training and Development: | 1,710 | 1,700 | 171,000 | 1,710 | 1,700 | 171,000 | 1,710 | 1,700 | 171,000 | 1,710 | 1,700 | 171,000 | 1,710 | 1,700 | 171,000 | - | - | - |
| Equipment and Other: | 1,710 | 1,710 | 171,000 | 1,710 | 1,710 | 171,000 | 1,710 | 1,710 | 171,000 | 1,710 | 1,710 | 171,000 | 1,710 | 1,710 | 171,000 | - | - | - |
| Subtotal: | 6,119 | 5,407 | 654,508 | 6,099 | 5,421 | 641,717 | 6,415 | 6,439 | 782,402 | 6,439 | 6,476 | 796,028 | 6,439 | 6,476 | 796,028 | 40 | 117 | 13,379 |
| Investigation Support: | | | | | | | | | | | | | | | | | | |
| Training: | 106 | 106 | 10,000 | 106 | 113 | 12,200 | 106 | 99 | 11,313 | 106 | 99 | 11,313 | 106 | 99 | 11,313 | - | - | (7) |
| Data and Communications Systems: | 176 | 167 | 44,900 | 167 | 161 | 44,010 | 165 | 154 | 43,076 | 170 | 159 | 43,076 | 170 | 159 | 43,076 | - | - | (100) |
| Information and Records Management: | 1,901 | 1,895 | 53,543 | 1,901 | 1,773 | 51,944 | 1,884 | 1,879 | 53,191 | 1,879 | 1,873 | 53,191 | 1,879 | 1,873 | 53,191 | - | - | (7) |
| Intelligence: | 51 | 49 | 3,945 | 43 | 44 | 3,976 | 43 | 39 | 3,907 | 41 | 38 | 3,907 | 41 | 38 | 3,907 | - | - | (7) |
| Research and Development: | 4 | 4 | 1,100 | 4 | 2 | 1,415 | 4 | 4 | 1,100 | 4 | 4 | 1,100 | 4 | 4 | 1,100 | - | - | - |
| Construction and Engineering: | 13 | 13 | 24,875 | 13 | 13 | 19,346 | 13 | 13 | 17,406 | 13 | 13 | 17,406 | 13 | 13 | 17,406 | - | - | - |
| Field Management and Support: | 283 | 283 | 28,100 | 283 | 283 | 28,100 | 283 | 283 | 28,100 | 283 | 283 | 28,100 | 283 | 283 | 28,100 | - | - | - |
| Legal Proceedings: | 619 | 619 | 28,521 | 619 | 619 | 28,521 | 619 | 619 | 28,521 | 619 | 619 | 28,521 | 619 | 619 | 28,521 | - | - | - |
| Subtotal: | 3,197 | 3,119 | 145,920 | 3,197 | 3,192 | 146,676 | 3,168 | 3,090 | 145,995 | 3,168 | 3,090 | 146,676 | 3,168 | 3,090 | 146,676 | - | - | - |
| Program Division: | | | | | | | | | | | | | | | | | | |
| Executive Director and Counsel: | 161 | 95 | 6,115 | 162 | 119 | 14,339 | 168 | 94 | 6,476 | 168 | 94 | 6,476 | 168 | 94 | 6,476 | - | - | (24) |
| Administrative Services: | 684 | 375 | 47,131 | 452 | 282 | 45,114 | 397 | 172 | 25,132 | 395 | 171 | 25,132 | 395 | 171 | 25,132 | - | - | (68) |
| Subtotal: | 845 | 470 | 53,246 | 614 | 401 | 59,453 | 665 | 266 | 31,608 | 663 | 265 | 31,608 | 663 | 265 | 31,608 | - | - | (68) |
| Total: | 13,231 | 13,000 | 864,476 | 13,231 | 13,034 | 891,346 | 13,310 | 13,563 | 941,741 | 13,310 | 13,563 | 941,741 | 13,310 | 13,563 | 941,741 | 84 | 169 | 33,314 |
| Administrative Services: | | | | | | | | | | | | | | | | | | |
| Administrative Services: | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | - | - | - |
| Total: | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | 1,027 | 1,027 | 17,877 | - | - | - |
| Other: | | | | | | | | | | | | | | | | | | |
| Other: | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | - | - | - |
| Total: | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | 3,465 | - | - | - |
| Other: | | | | | | | | | | | | | | | | | | |
| Other: | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | - | - | - |
| Total: | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | 706 | - | - | - |
| Other: | | | | | | | | | | | | | | | | | | |
| Other: | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | - | - | - |
| Total: | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | 1,882 | - | - | - |
| Total programable activities: | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | 31,467 | - | - | - |

Immigration and Naturalization Service
Salaries and Expenses
Justification of Program and Performance

Activity: Enforcement

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|---------------------|--------------------|-------|----------|-----------|-------|----------|---------------|-------|----------|-------------------|-------|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Inspections..... | 1,150 | 1,498 | \$88,122 | 1,145 | 1,561 | \$96,142 | 1,145 | 1,561 | \$96,136 | ... | -\$6 |
| Border Patrol..... | 4,948 | 4,638 | 319,973 | 4,927 | 4,636 | 344,478 | 5,127 | 4,686 | 352,486 | 200 | 8,008 |
| Investigations..... | 1,537 | 1,458 | 105,664 | 1,538 | 1,439 | 111,940 | 1,532 | 1,463 | 115,583 | 94 | 24 |
| Anti-smuggling..... | 321 | 301 | 22,602 | 317 | 297 | 23,800 | 317 | 297 | 23,770 | ... | -\$30 |
| Detention and | | | | | | | | | | | |
| Deportation..... | 1,520 | 1,491 | 161,037 | 1,487 | 1,497 | 168,207 | 1,736 | 1,560 | 189,879 | 249 | 63 |
| Employer and Labor | | | | | | | | | | | |
| Relations..... | 49 | 46 | 5,084 | 49 | 46 | 5,262 | 49 | 46 | 5,253 | ... | -\$9 |
| Total..... | 9,545 | 9,429 | 702,482 | 9,463 | 9,476 | 749,829 | 10,006 | 9,613 | 783,107 | 543 | 137 |

This budget activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons. This activity includes inspecting applicants for admission, patrolling the border, locating undocumented aliens who are in the United States following illegal entry or are in violation of their status after legal entry, detaining and deporting illegal aliens, and enforcing the employee sanctions provisions of the Immigration Reform and Control Act of 1986 (IRCA).

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|------------------|--------------------|-------|----------|-----------|-------|----------|---------------|-------|----------|-------------------|------|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Inspections..... | 1,150 | 1,498 | \$88,122 | 1,145 | 1,561 | \$96,142 | 1,145 | 1,561 | \$96,136 | ... | -\$6 |

Long-Range Goal: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

Major Objectives:

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States.

Facilitate the entry of qualified persons through ports-of-entry.

Prevent the entry of inadmissible applicants through ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship, or permanent residence status and seize conveyances used for illegal entry.

Establish Land Border Inspection Fee pilot projects.

Base Program Description: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, U. S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents and/or prior information. Local and National lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry into the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of standby time at most ports-of-entry during non-peak workload hours. Applications for Border Crossings Cards are presented directly to ports located on the United States/Mexican border where they are adjudicated and issued by inspection personnel.

Accomplishments and Workload: Accomplishments of the Inspections program are presented in the following table:

| Item | 1990 | 1991 | 1992 | Estimate | 1993 |
|---|-------------|-------------|-------------|-------------|-------------|
| Persons Inspected - Land Ports-of-Entry..... | 401,600,398 | 419,300,400 | 436,000,000 | 453,000,000 | 453,000,000 |
| Persons Inspected - Air and Sea Ports-of-Entry..... | 56,365,113 | 56,370,056 | 59,000,000 | 62,000,000 | 62,000,000 |
| Persons Inspected - Land Border Fee..... | .. | .. | 1,200,000 | 1,200,000 | 1,200,000 |
| Inadmissible Aliens Intercepted - Land Ports-of-Entry..... | 807,473 | 802,690 | 810,000 | 818,000 | 818,000 |
| Inadmissible Aliens Intercepted - Air and Sea Ports-of-Entry..... | 80,450 | 88,305 | 92,700 | 97,300 | 97,300 |
| Seizures of illegal Drugs..... | 2,329 | 2,450 | 2,950 | 3,000 | 3,000 |

Explanation

Over the past two years, the inspections program has experienced increasing workload levels. Based on consistent increases in traffic, the number of inspections at land border ports in 1992 is projected to be 436 million. In 1991, over 800,000 inadmissible aliens were intercepted at land ports-of-entry, representing a rate of approximately two detections per 1,000 inspections, continuing the high level of interceptions noted in recent years. Improvements in methodology and techniques of detecting fraudulent attempts to enter into the United States are ongoing. Operational innovations leading to improvements in both border enforcement and facilitation of international travel continue to receive priority.

The inspection of persons at land ports-of-entry is provided for with appropriated resources. P.L. 99-500, the Department of Justice 1987 Appropriations Act, as amended by the Department of Justice 1991 Appropriations Act, established an Immigration User Fee Account. This legislation, which provides for the collection of a \$5 user fee from each U.S. citizen and alien arriving in the United States from foreign locations by commercial air or sea transportation (with certain exemptions), has allowed the inspections program to provide more effective services at all airports and seaports Nationwide. On a continuing basis, INS has been able to expand its

inspection services at air and sea ports-of-entry with resources from the Immigration User Fee Account for the cost of existing and new officers at these locations, including inspectional overtime, costs associated with improved fraud detection, and other related activities.

The Attorney General was authorized under the Department of Justice 1991 Appropriation Act, P.L. 101-515 to establish a project under which a fee may be charged and collected for inspection services provided at one or more land border ports of entry.

Program Changes:

| | <u>1993 Base</u> | | <u>1993 Estimate</u> | | <u>Increase/Decrease</u> | |
|------------------|------------------|-------|----------------------|-------|--------------------------|----------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| Inspections..... | | | | | | |
| | 1,145 | 1,561 | \$96,142 | 1,145 | 1,561 | \$96,136 |
| | | | | | ... | ... |
| | | | | | | -\$6 |

A decrease of -\$6,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | <u>1992 Appropriation</u> | | <u>1993 Base</u> | | <u>1993 Estimate</u> | | <u>Increase/Decrease</u> | |
|--------------------|---------------------------|-------|------------------|-------|----------------------|-----------|--------------------------|---------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| | | | | | | | | |
| Border Patrol..... | 4,948 | 4,635 | \$319,973 | 4,927 | 4,636 | \$344,478 | 5,127 | 4,686 |
| | | | | | | | \$352,486 | 200 |
| | | | | | | | 50 | \$8,008 |

Long Range Goal: To ensure that the entry of persons into the United States between ports-of-entry is controlled in a manner that is consistent with the National Interest as established and provided by Congress by preventing entry of persons who have not been inspected and by detecting and apprehending illegal aliens within the United States.

Major Objectives:

Deter uncontrolled entry into the interior of the United States by the rapid detection, interception, and apprehension of illegal entrants at or near the border.

Between ports-of-entry, interdict drug smugglers, potential terrorists and criminals or deter them from attempting illegal entry.

Cause persons seeking admission into the United States to present themselves at designated ports for inspection.

Base Program Description: The function of this program is to deter or prevent illegal entry or locate and apprehend aliens and other illegal entrants at or near the border. The Border Patrol has primary responsibility for drug interdiction between the ports-of-entry. In addition, the Patrol conducts numerous interagency drug task force operations with other Federal, State and local law enforcement agencies through its participation in Operation Alliance along the southern border. To further assist the Border Patrol in this endeavor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designation authority in their basic training in Glynnco, Georgia. Border Patrol officers engaged in surveillance activities to prevent entry or

apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors which alert them to illegal entries. Additional support is provided by observation aircraft, low light level television systems and infrared viewing devices. Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats and horses. In addition, livestock traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason.

Accomplishments and Workload: Accomplishments of the Border Patrol program are presented in the following table:

| Item | Estimates | | |
|------------------------------------|-----------|-----------|-----------|
| | 1990 | 1991 | 1992 |
| Deportable Aliens Apprehended..... | 1,103,353 | 1,132,933 | 1,150,000 |
| Smuggled Aliens Apprehended..... | 71,049 | 64,170 | 65,000 |
| Smugglers Apprehended..... | 21,901 | 18,826 | 19,200 |
| | | | 19,480 |

As part of the Administration's Southwest Border Drug Task Force, Operation Alliance, the Border Patrol increased its drug interdiction efforts along the southwest land border. The Patrol plays a key role in drug interdiction between the land ports-of-entry. Cross-designation authority and drug training have enhanced the Border Patrol agent's ability to intercept narcotics being smuggled across the border. Mobile corridor task forces have concentrated Border Patrol resources into known drug trafficking areas that have produced a significant increase in the seizure of illegal drugs along the border. In 1991, the OMDCP provided additional funding of one million dollars for Border Patrol traffic check operations on the southwest border for interdicting drug and alien smugglers along the border.

In 1991 the Border Patrol apprehended 1,132,933 illegal aliens along the United States border. This number represented a 2.7 percent increase in apprehensions with 29,778 above the previous years apprehensions in 1990. The number of apprehensions have exceed the one million level for the second consecutive year and the apprehension trend for 1992 is again continued at the one million level. Another concern of the Patrol is the number of drug traffickers and alien smugglers that were apprehended in 1991. The number of drug traffickers arrested by the Patrol was 7,401 in 1991, and the number of alien smugglers apprehended was 18,826.

The Patrol has a canine program for the detection of aliens and narcotics being smuggled into the United States. The dogs have been successful in the detection of drugs and aliens, working primarily on traffic checkpoint inspections. The canine program has also been involved in a drug education and awareness program. The Patrol actively participates in school drug education programs, and in 1991 had conducted 7,949 drug education presentations to a total audience of over 1,057,174 participants. Due to the tremendous success of the Border Patrol canine program, the number of canine units was doubled in 1991.

Program Changes:

| | 1991 Base | | 1992 Estimate | | Increase/Decrease | |
|--------------------|-----------|-----------|---------------|-----------|-------------------|---------|
| | Perf. | Est. | Perf. | Est. | Perf. | Est. |
| Border Patrol..... | 4,927 | \$344,478 | 5,127 | \$352,486 | 200 | \$8,008 |

The net change includes an additional 200 positions, 80 workyears, and \$8,620,000 for staffing increases offset by a \$612,000 reduction associated with meeting targeted budget reductions under the Budget Enforcement Act.

Staffing Increases:

The staffing increases requested for the Border Patrol are intended to address three problem areas of the Patrol by: (1) increasing border-wide apprehensions, (2) reducing the high level of violence and assaults in both the San Diego border area and other southern border locations, and (3) maintaining an effective interdiction program between the ports-of-entry.

The San Diego Sector continues to record high levels of illegal alien apprehensions by improving the effectiveness of their enforcement activities. The apprehensions increased in the San Diego Sector from 473,323 in 1990 to 540,347 in 1991, an increase of 14.2 percent. In order to increase the effectiveness of the current agent force, the San Diego sector has utilized high intensity lighting and improved fence maintenance along the border. Those initiatives have been used to channel illegal border crossers to areas where Border Patrol agents can more readily locate and apprehend a greater number of levels illegal entrants. The above initiatives enhance the Border Patrol's ability to control the flow of illegal aliens, yet the current agent force is insufficient to respond to the increased levels of illegal entry. In addition, the San Diego Sector and adjoining sectors have recently experienced an increase in apprehensions of illegal aliens who have either lost jobs or who have been unable to find employment due to the poor crop conditions in the southwest area of the country. These unemployed illegal aliens have been apprehended while seeking other employment along the border.

The Government of Mexico has initiated a number of economic reforms recently towards stabilization of the economic conditions within their country. These efforts have resulted in some short term improvements in the valuation of the peso. However, it is too soon to determine whether these monetary changes will significantly reduce the overall flow of Mexican nationals into the United States.

The Patrol continues to experience a high level of violence against Border Patrol agents by aliens attempting illegal entry and by aliens conducting criminal acts against other aliens and U.S. citizens. In 1991, there were over 200 reported incidents of assaults and 495 incidents of armed encounters with persons along the border. The Patrol has taken a number of actions in response to the violence occurring on the border as well as the increasing number of apprehensions. In order to eliminate the cover of darkness in which many of the criminal acts are committed on the border, the Patrol has begun using portable high intensity lighting for these areas in order to discourage those activities. In addition, several border areas are being cleared of high thick bushy vegetation which is used for cover by persons attempting to cross the border. While these measures will assist the agents in the detection of illegal aliens in those areas, an increase in Border Patrol agents is needed in order to strengthen the overall border enforcement program.

The border-wide staffing enhancement request of 200 agent positions, 80 workyears, and \$8,620,000 is intended to significantly increase the agent staffing in five southern border sectors. The majority of the additional positions will be placed in the San Diego and El Paso Sectors where the highest level of illegal entries are encountered along the border. Of the 200 positions, 148, or 74 percent, will be targeted for these two sectors. It is planned that the remaining 52 positions will be placed in the Laredo, McAllen, and Tucson Sectors to provide increased border enforcement against the existing illegal entries occurring in those areas, and to counter the shifting of border crossings from the San Diego and El Paso border areas when the large agent increases hit those two locations.

San Diego Sector - 96 Positions, 24 FTS

The San Diego Border Patrol Sector, while containing only 66 miles of border, accounted for 540,347 apprehensions in 1991, or approximately 47 percent of the total apprehensions made by the Patrol. This sector also led in both the number of assaults on Border Patrol Agents and the number of criminal alien apprehensions in 1991.

El Paso Sector - 52 Positions, 13 FTS

The El Paso Border Patrol Sector contains 342 miles of border. This sector accounted for 191,824 apprehensions in 1991 and numerous drug seizures. In the last two months alone, agents made two notable cocaine seizures of 2,800 pounds and 3,300 pounds which were being smuggled inside tractor-trailer trucks.

Laredo Sector - 16 Positions, 4 FTS

The Laredo Border Patrol Sector contains 171 miles of border. This sector accounted for 50,090 apprehensions in 1991. Agents assigned to this sector conduct traffic check operations on two major highways and train check operations on the Tex-Mex Railroad. The interdiction of narcotics has been high and a large number of assaults on agents have been reported.

McAllen Sector - 24 Positions, 6 FTS

The McAllen Border Patrol sector contains 280 miles of border. Illegal drug seizures in 1991 were high, and the sector continues to be a major entry point for Central and South American aliens.

Tucson Sector - 12 Positions, 3 FTS

The Tucson Border Patrol Sector contains 281 miles of border. The sector accounted for 59,726 apprehensions in 1991. The Douglas and Nogales stations have experienced steady increases in alien and drug smuggling.

Reduction for Equipment

A decrease of -\$612,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Additional resources will be provided to the Border Patrol program from the Special Forfeiture Fund and the Advance Appropriation from Asset Forfeiture Fund Capital Surplus. Details are provided in the Justification of Adjustments to the Base.

| | 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | | | | | |
|---------------------|--------------------|-------|-----------|-------|---------------|-----------|-------------------|-------|-----------|----|----|---------|
| | Perm. | For. | Perm. | For. | Perm. | For. | Perm. | For. | | | | |
| Investigations..... | 1,557 | 1,458 | \$105,664 | 1,538 | 1,439 | \$111,940 | 1,632 | 1,463 | \$115,583 | 94 | 24 | \$3,643 |

Long Range Goal: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

Major Objectives:

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, and other serious or violent criminal activities.

Deter the employment of illegal aliens through a random audit of employers; and identify, issue fines to, and prosecute employers who violate Section 101 of the Immigration Reform and Control Act (IRCA) of 1986 by the hiring of aliens not authorized to work in the United States.

Prosecute and deter arrangers and facilitators who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Prosecute aliens who illegally apply for and collect benefits from government entitlement programs, prevent the filing of fraudulent claims, and support civil proceedings to recover benefits illegally obtained.

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings, develop grounds for denial of petitions and applications, and obtain government evidence in administrative proceedings.

Accomplishments and Workload: Accomplishments of the Investigations program are presented in the following table:

| Item | Estimates | | |
|--|-----------|--------|--------|
| | 1990 | 1991 | 1992 |
| Cases Received..... | 76,413 | 62,039 | 68,100 |
| Cases Completed..... | 57,496 | 50,036 | 46,800 |
| Cases Completed resulting in adverse action against illegal aliens 1/..... | 25,596 | 19,448 | 17,300 |
| Cases authorized for prosecution..... | 3,770 | 4,618 | 4,000 |
| Deportable Aliens Apprehended..... | 64,104 | 63,631 | 59,400 |
| Inquiries to the Enforcement Operations Center..... | ... | ... | 12,500 |
| Productivity: | | | |
| Cases Completed per workyear..... | 38.8 | 36.8 | 36.6 |
| Apprehensions per workyear..... | 43.3 | 41.9 | 41.8 |
| Employer Investigations Completed 2/..... | 10,092 | 7,411 | 6,800 |

1/ An adverse action against the subject of an investigation may include, conviction, deportation, denial of benefits, termination of benefits, and/or recovery of funds.

2/ This represents cases conducted by the Investigations program including random inspections, special inspections, administrative investigations and criminal investigations directly related to Employer Sanctions enforcement. The number of case completions dropped in 1991 due to a change in the mix of cases from General Administrative Plan (GAP) inspections to lead investigations which take four times longer to complete.

The focus of the Investigations Program reflects three basic enforcement priorities of the Immigration and Naturalization Service: enforcement of employer sanctions, removal of criminal aliens, and detection and deterrence of fraud. Recently enacted legislation has expanded the traditional enforcement mission of the program.

INCA requires expeditious deportation proceedings against any alien convicted of an offense which renders him or her deportable.

The Anti-Drug Abuse Act of 1988 directs INS to improve its ability to respond to other Federal, State, and local law enforcement agencies' inquiries concerning criminal aliens so that rapid determinations can be made concerning their status and deportability.

The Marriage Fraud Amendments Act and IRCA expanded INS's obligations and ability to detect and deter fraud during the legalization process, the employment eligibility verification process, and the acquisition of legal benefits through spousal and fiancé(e) relationships.

The Immigration Act of 1990 enhanced the enforcement authority of INS officers and provides for the facilitation of expedited deportation of criminal aliens by defining aggravated felonies, shortening the period to request judicial review, and the deportation for attempted violations of controlled substances laws.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------------|-----------|-----------------|---------------|-----------------|-------------------|------------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Investigations..... | 1,538 | 1,439 \$111,940 | 1,632 | 1,463 \$115,583 | 94 | 24 \$3,643 |

Criminal Aliens

An increase of 50 positions, 13 workyears and \$2,150,000 is requested for 1993 for the Criminal Alien program. The current base resources devoted to Criminal Aliens exceeded 400 workyears.

Approximately 30 percent of the Investigations staff is devoted to criminal alien activities. There has been a substantial increase in the identification and initiation of deportation proceedings against criminal aliens arrested in the interior of the United States over the last five years. In 1986 there were 60,278 deportable aliens arrested by the Investigations program including 12,543 criminal aliens (21 percent). In succeeding years the percentage of criminal aliens has not dropped below 50 percent. In 1991 there were 63,631 deportable alien arrests by the Investigations program including 35,975 criminal aliens (56.5 percent).

The foreign born prison population in the Federal Prison System is also a reliable indicator of the scope of the criminal alien problem in the U.S. (These figures do not include potential alien populations in State, county and municipal facilities.) Between 1989 and 1990, the last year for which complete data is currently

available, the Federal prison foreign born inmate population increased from 20 percent to 25 percent of the total prison population, rising to 14,093 inmates. Between 1980 and 1988, the Federal Bureau of Prisons experienced a 600 percent increase in alien inmates as compared to an 82 percent increase in total prison population.

The Investigations program concentrates its criminal alien efforts to processing of aliens who are serving prison sentences. Insufficient resources exist to adequately cover all institutions. Identification and initiation of deportation proceedings early in an alien's incarceration will ultimately reduce detention expenses and expedite the removal process after his/her release. The processing of aliens and initiation of deportation proceedings is a labor intensive process involving travel to and from correctional institutions, interviews, identification and location of court records, and completion of legal documentation. The growth of the criminal alien population has outstripped the ability of INS to adequately respond to the ever increasing demand for a response to aliens involved in criminal activity whether or not they are incarcerated.

With the additional resources requested, INS will more efficiently and effectively address these needs on a more timely basis and expand efforts beyond incarcerated aliens to those aliens when they initially come in contact with the criminal justice system. The initial productivity will be lower since the newly-hired officers will be on duty for only about 25 percent of the first year and will have to attend up to sixteen weeks of basic training. When fully trained and staffed they will process 6,600 criminal aliens annually.

National Enforcement Operations Center

In addition, 44 positions, 11 workyears, and \$1,539,000 is requested to establish a National Enforcement Operations Center which will function 24-hours a day to respond to INS and other law enforcement agency requests for information on aliens.

This center will assist the Investigations Division and other INS enforcement components in the apprehension, prosecution, and removal of criminal aliens, especially aggravated felons, and will provide data for reporting requirements on criminal aliens as specified in the Immigration Act of 1990. In addition, local, State and Federal agencies will have a national 800 number to call to report aliens suspected of being illegally in the United States, including those involved in criminal activity.

The Anti-Drug Abuse Act of 1988 directs INS to improve its ability to respond to other Federal, State, and local law enforcement agencies' inquiries concerning criminal aliens, especially aggregated felons, on a 24-hour basis, so that rapid determinations can be made concerning their status and whether or not they may be subject to deportation. This Operations Center will function around-the-clock with a staff of qualified personnel capable of evaluating incoming calls and providing information to the appropriate field offices.

Reduction for Equipment

A decrease of -\$46,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | | |
|---------------------|--------------------|------|-----------|------|---------------|----------|-------------------|------|----------|-----|-----|-------|
| | Perm. | Est. | Perm. | Est. | Perm. | Est. | Perm. | Est. | | | | |
| Anti-smuggling..... | 321 | 301 | \$22,602 | 317 | 297 | \$23,800 | 317 | 297 | \$23,770 | ... | ... | -\$30 |

Long Range Goal: To reduce the number of illegal aliens entering the United States by conducting pro-active criminal investigations that target major domestic/international alien smuggling organizations.

Major Objectives:

- Identify smugglers of illegal aliens.
- Investigate and apprehend smugglers of illegal aliens, concentrating resources on major violators.
- Gather sufficient evidence to support U.S. Attorneys in obtaining convictions of smuggling violators.
- Increase deterrent efforts such as conveyance seizures, drug seizures, extraterritorial prosecutions, fines and sentences.

Base Program Description: The Anti-smuggling program has as its primary function the curtailment and prevention of the growth of the illegal immigrant population in this country by locating, apprehending and prosecuting alien smugglers involved in extensive smuggling operations, and by locating and apprehending those deportable aliens who use such means to enter the country without detection. While the large majority of alien smugglers apprehended by INS enforcement personnel are considered minor violators who operate independently and infrequently, a growing number of these violators are associated with large-scale, highly organized criminal conspiracies. Quite often, these professional organizations are simultaneously involved in other illegal activities such as narcotics and weapons smuggling, extortion, kidnapping, peonage, and document fraud on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. The Anti-smuggling program also is responsible for managing the Service's assets forfeiture activities so that their full law enforcement and revenue generating potentials are realized.

Accomplishments and workload: Accomplishments of the Anti-smuggling Program are presented in the following table:

| Item | 1990 | | 1991 | | 1992 Estimate | |
|--|--------|--------|--------|--------|---------------|--------|
| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 |
| Smuggling Principals Apprehended (Anti-smuggling)..... | 3,368 | 2,917 | 3,200 | 3,100 | 3,200 | 3,100 |
| Smuggling Principals Apprehended (Service-wide)..... | 17,517 | 21,743 | 22,400 | 22,580 | 22,400 | 22,580 |
| Cases Completed..... | 2,815 | 2,771 | 3,000 | 3,300 | 3,000 | 3,300 |
| Prosecutions Presented: | | | | | | |
| Major..... | 1,894 | 1,689 | 1,700 | 1,700 | 1,700 | 1,700 |
| Minor..... | 804 | 1,228 | 700 | 1,000 | 700 | 1,000 |

| Item | Estimates | |
|--|-----------|--------|
| | 1992 | 1993 |
| Convictions (Defendants): | | |
| Felony..... | 1,215 | 1,233 |
| Misdemeanor..... | 697 | 982 |
| Sentences (Months-All Charges)..... | 17,115 | 22,193 |
| Conveyances Seized (Anti-Smuggling)..... | 4,218 | 4,420 |
| Conveyances Seized (Service-wide)..... | 23,335 | 19,218 |

During 1990 and continuing into 1991, the Anti-Smuggling Activities (ASA) program focused its efforts on conducting pro-active criminal conspiracy investigations of international alien smuggling organizations. The program continues to concentrate extensive investigative efforts against broadly diversified smuggling organizations engaged in baby smuggling, providing illegal alien workers to U.S. employers, transporting criminal aliens into the country to participate in drug trafficking and other illegal enterprises, counterfeit document trafficking, and terrorist activities. Since 1986, the Program has been a part of the Southwest Border Interdiction Program under Operation Alliance, and 140 of its Special Agents are cross-designated in support of drug interdiction activities.

The ongoing Anti-Smuggling productivity improvement program, implemented in 1989, has proven its success by enabling the program to determine the most cost effective placement of resources by standardizing the process of evaluating performance in the conduct of criminal investigations at the agent and unit level. Through the collection and evaluation of such performance measures as efficiency, quality, timeliness and effectiveness of investigative efforts and program operations, a more cost effective deployment of resources has been realized.

The number of investigations targeting major criminal alien smuggling cartels continued to increase in 1991, requiring Special Agents to conduct primarily Level I criminal investigations. These investigations were of well organized smuggling organizations engaged in the illegal smuggling of Chinese, Pakistanis, Mexicans, Nicaraguans, and Filipinos. In 1991, a total of 2,772 criminal investigations were completed. As a result, 2,917 smugglers were apprehended, and 2,500 were presented to the U.S. Attorney for prosecution. As an adjunct to criminal prosecutions, INS seized 23,400 conveyances (cars, trucks, vessels, and airplanes) used in alien smuggling.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Anti-Smuggling..... | 317 | 297 | \$23,800 | 317 | 297 | \$23,770 |

A decrease of -\$30,000 is necessary to meet targeted levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

1992 Appropriation Anticipated

| Item | 1992 Base | | 1993 Estimate | | Increase/Decrease | | | | |
|--------------------------------|-----------|-------|---------------|-------|-------------------|-----------|-----|----|----------|
| | Perm. | Pol. | Perm. | Pol. | Perm. | Pol. | | | |
| Detention and Deportation..... | 1,520 | 1,491 | \$161,037 | 1,487 | 1,497 | \$189,879 | 249 | 63 | \$21,672 |

Long Range Goal: To detain, until ready for removal, aliens subject to exclusion and deportation proceedings who are likely to abscond or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or excludable alien is processed expeditiously and that the alien is removed from the United States when appropriate.

Major Objectives:

- Promptly remove deportable and excludable aliens and avoid detention to the greatest extent possible.
 - Ensure that adequate alien detention capability is available by staffing and maintaining nine accredited INS Service Processing Centers (SPC's), and detaining aliens when necessary in non-INS facilities which meet INS standards.
 - Allow other enforcement programs to operate effectively by quickly removing detained aliens.
- Base Program Description: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.
- Accomplishments and Workload: Accomplishments of the Detention and Deportation program are presented in the following table:

| Item | 1990 | | 1991 | | Estimate | |
|---------------------------------------|-----------|-----------|-----------|-----------|----------|------|
| | 1990 | 1991 | 1992 | 1993 | 1992 | 1993 |
| Detention: | | | | | | |
| Aliens detained (Total)..... | 104,889 | 87,169 | 126,640 | 141,564 | | |
| INS Facilities..... | 51,222 | 50,706 | 48,886 | 48,886 | | |
| Non-Service Facilities..... | 53,667 | 36,463 | 77,753 | 92,677 | | |
| Number of detention days..... | 2,398,565 | 2,207,794 | 2,570,410 | 2,867,410 | | |
| INS Facilities..... | 1,034,947 | 919,809 | 1,082,292 | 1,082,292 | | |
| Non-Service Facilities..... | 1,363,618 | 1,287,985 | 1,488,118 | 1,785,118 | | |
| Average stay in detention (days)..... | 22.9 | 25.3 | 20.3 | 20.3 | | |

| Item | Estimates | |
|---|-----------|-----------|
| | 1992 | 1993 |
| Expulsions: | | |
| Aliens expelled (b+c+d+e)..... | 1,054,225 | 1,014,655 |
| Voluntary departures under docket control..... | 12,369 | 9,399 |
| Voluntary departures not under docket control..... | 1,010,943 | 971,476 |
| Deportations effected..... | 27,213 | 30,593 |
| Exclusions effected..... | 3,700 | 2,987 |
| Deportable aliens located, percentage expelled..... | 96% | 96% |
| Expelled aliens, percentage detained..... | 10% | 12% |
| Recognition, Bond and Supervision: | | |
| Aliens released on recognizance..... | 6,773 | 6,204 |
| Aliens placed on bond..... | 22,740 | 38,776 |
| Aliens placed under supervision..... | 146 | 68 |

The Detention program accomplished its mission during 1991 through the operation of nine Service Processing Centers (SPC's). As a result of an expansion program, the combined capacity of these nine facilities is now 2,864 detainees. INS utilized six private contract detention facilities, located in Los Angeles, El Centro, Denver, Laredo, Houston, and Seattle. These facilities provided an additional 783 bed spaces for INS. A standard statement of work for contract facilities has been developed and will be used for future contracts with private sector entities. INS also contracts with over 900 State and local prisons and jails for bedspace to detain aliens. In 1991, 1,287,985 detention days were provided through non-Service sources.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|--------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Detention and Deportation..... | 1,487 | \$169,207 | 1,736 | \$189,879 | 249 | \$21,672 |

Program changes of 249 positions, 63 workyears and \$21,672,000 are requested in support of the revised Federal Detention Plan. These increases focus on staffing, alien travel, detention and welfare, and contractual detention. Offsetting these increases is a reduction of \$139,000 associated with targeted budget reductions under the Budget Enforcement Act.

Staffing

An increase of 199 positions, 50 workyears and \$5,627,000 is requested for the staffing of INS's Service Processing Centers. In past years, the Detention and Deportation program has not had adequate personnel to support efficient use of its Service Processing Centers (SPC) which directly support INS enforcement programs. Without additional personnel, it will not be possible to maintain a correct balance between the apprehension and removal steps of the enforcement process. Statistics and experience indicate that the majority of aliens who are released from custody on bond or recognizance are not expelled despite their ineligibility for relief because they subsequently abscond. Apprehending and then releasing an illegal alien who is likely to abscond, because of inadequate personnel to detain, does not present a strong deterrent to illegal entrants.

In January of 1991, the General Accounting Office reported to the Congress that inadequate levels of staffing have caused serious problems at several INS facilities. Proper and adequate INS staffing with supervisory personnel, detention officers, deportation officers, docket clerks, cooks, medical personnel, maintenance workers, mechanics, and transportation officers is required at all SPC's. Contract facilities require INS staff to provide transportation to and from the site, and deportation teams to maintain the docket, schedule hearings and post bonds. Sufficient staff is required to ultimately remove aliens to their homelands upon completion of the deportation process. Within each SPC, there are key post positions which must be covered on a 24-hour basis, seven days a week to provide adequate detention capability. Not all the SPC's are designed the same, so some facilities may require more posts to provide coverage even though the rated capacity is lower.

With the increase in positions, INS will be able to reduce the need for the excessive amount of overtime used to run our SPC's, improve the morale of the overworked staff, reduce the likelihood of health problems to overburdened staff, and most importantly, improve the safety of the facilities and reduce the likelihood of violent incidents.

Additional Detention Contract Funding

An increase of 50 positions, 13 workyears and \$3,906,000 is requested to support the staffing of INS's portion of the 1,000 bed INS/BOP joint contract facility for criminal aliens near San Diego. Of that amount, \$531,000 will support the 50 positions and 13 workyears; \$902,000 will be required for travel and transportation of persons; rental payments to GSA, supplies and materials, equipment, etc; and \$2,473,000 will be required for the transportation and removal of aliens. Funding of \$22,016,000 is requested in the BOP budget for the contract costs.

The joint INS/BOP contract facility which will be located near San Diego will strengthen INS's continuing efforts to centralize criminal aliens in order to expedite their removal. The BOP will use its 500 beds to centralize criminal aliens serving Federal sentences, who represent over 20 percent of their total prisoner population. The Service will use its 500 beds to centralize criminal aliens who have been serving state/local sentences. Despite the opening of the San Pedro Service Processing Center, which is used to detain criminal aliens, there is still a dire need for additional beds to support the increasing number of criminal aliens being released to INS custody from the states of California and Arizona. This facility will also be used to provide bedspace for detained criminal aliens from other service locations, thereby freeing bedspace for administrative detainees and allowing INS to remove criminal aliens from existing SPC's which were not built for, and are not appropriate for, the detention of criminal aliens. This would also reduce the likelihood of violent incidents and/or dangerous situations arising in the SPC's.

Contracting for detention space has proven to be more timely than the Federal Government's competitive bid process for new construction. In addition, the use of contract detention officers has proven to be a cost effective means of staffing, which has allowed the Service to maintain a low staff to detainee ratio. The additional positions requested for the contract facilities will be used for those immigration support functions which cannot be performed by contract personnel. These duties include the transportation of aliens to and from the facilities for overnight detention, transportation of deportation and local voluntary departures, and transportation to various court hearings. Deportation officer positions will be needed at the facilities to maintain deportation dockets, and other positions will be required to perform administrative duties.

Allen Travel, Detention and Welfare (ATTEN)

An increase of \$12,276,000 is requested for ARD&W. These additional funds will provide an additional 388,670 SPC detention days at an average cost of \$31.59 per day/per alien. Currently, SPC's cannot operate at full capacity at all times due to a lack of resources for detaining aliens.

The requested increase in AFDW funds will allow the Detention and Deportation program to support the apprehending programs. Without additional funds, it will not be possible to maintain a correct balance between the apprehension and removal steps of the enforcement process. Experience indicates that the majority of aliens who are released from custody on bond or recognizance are not expelled in spite of their ineligibility for reentry because they subsequently abscond. Apprehending and then releasing an illegal alien who is likely to abscond, because of inadequate resources to detain, runs counter to service efforts to deter illegal entries.

Reduction for Equipment

A decrease of -\$139,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | 1992 Appropriation Anticipated | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|--------------------------------|-------------|--------------|-----------|---------------|------------|-------------------|-----------|
| | Perm. P.O.L. | NY Amount | Perm. P.O.L. | NY Amount | Perm. P.O.L. | NY Amount | Perm. P.O.L. | NY Amount |
| Employer and Labor Relations..... | 49 | 46 \$ 0.084 | 49 | 46 \$ 262 | 49 | 46 \$5,253 | ... | ... -\$9 |

Long Range Goal: To advance cooperation and voluntary compliance of employers, labor organizations, workers and other groups with the employer sanctions and anti-discrimination provisions of the Immigration Reform and Control Act (IRCA) of 1986. Oversee the establishment and operation of systems to verify the immigration status of aliens applying for benefits under Aid to Families with Dependent Children (AFDC), Medicaid, unemployment compensation, food stamp programs, housing programs and educational assistance - as required in section 121 of IRCA. Expand access/usage of the Alien Status Verification Index (ASVI) database to other agencies, and develop methods for improving the quality of the database.

Major Objectives:

Advance cooperation and voluntary compliance of employers, labor organizations and workers with employer sanctions and anti-discrimination provisions of IRCA.

Provide information to the public, Congress and others regarding the voluntary compliance aspects of IRCA.

Encourage employment of all persons authorized to work, both U.S. citizens and legal resident aliens.

Establish systems to verify the immigration status of applicants for benefits such as AFDC, Medicaid, unemployment compensation, food stamps, housing, and educational assistance. Improve and expand the Alien Status Verification program.

Base Program Description: The function of this program is to increase public understanding of employer and employee responsibilities under IRCA and to promote voluntary compliance with the employer sanctions provisions of the Act. Employer and Labor Relations personnel inform employers and community groups of the employment requirements under IRCA and the associated criminal/civil penalties for violations. They counsel employers who are in violation of the law and create and assist in special initiatives to facilitate the availability and hiring of legally authorized workers.

In addition, it is a requirement of IRCA that an alien's immigration status be verified at the time of application for a benefit under certain entitlement programs administered by the Departments of Health and Human Services, Agriculture, Labor, and Education. The Employer and Labor Relations program is responsible for providing the verification system for the documentation and status of alien applicants. This system, known as the Systematic Alien Verification for Entitlement (SAVE) Program, serves as a means of identifying trends and usage levels by the aliens of fraudulent, counterfeit or altered immigration documentation to obtain Federally subsidized benefits and employment in the United States.

Accomplishments and Workload: Accomplishments of the Employer and Labor Relations program are presented in the following table:

| Item | Estimates | | |
|---|-----------|-----------|-----------|
| | 1990 | 1991 | 1992 |
| Service-wide Information and Educational Contacts 1/..... | 850,480 | 300,633 | 300,000 |
| Service-wide public speaking engagements (participation in seminars and conferences, discussions with trade, professional and labor organizations)..... | 550 | 350 | 325 |
| State agencies participating in SAVE (Systematic Alien Verification for Entitlements) Program..... | 93 | 90 | 90 |
| Queries made against SAVE database..... | 2,308,621 | 2,862,857 | 5,000,000 |
| | | | 7,000,000 |

1/ In 1990, the Border Patrol and Investigations programs ceased providing staff resources to assist this program in its educational contacts and public speaking engagements causing an overall reduction in service-wide informational and educational contacts.

Since the passage of IRCA in 1986, over two million employers have been educated regarding their requirements under the law. This has been accomplished through personal contacts, seminars, and discussions with community organizations, trade associations and agricultural groups. Radio, television, and print ads were used. In addition, information packets were distributed to 12,000 colleges, universities and technical schools and to 8,000 libraries to inform students of documents required when seeking employment.

An automated database, the Systematic Alien Verification of Entitlements (SAVE) program, was established and now contains over 27,000,000 INS record alien files (A files). The SAVE program is supported by the Alien Status Verification Index (ASVI) and has the capability of being accessed by seven different methods including voice data response via touch-tone telephone. The ASVI program has been expanded to accommodate certain entitlement agencies in regards to reports requested from the SAVE program. The total number of queries for 1991 was 2,862,857. This, along with the 2,308,621 queries made during 1990, brings the cumulative total to 5,171,478. Each query is equivalent to a "check" against an INS record by an entitlement issuing authority in

order to determine alien applicants' eligibility for Federal benefits. The number of queries is expected to increase when the Department of Housing and Urban Development begins using the system. Local housing authorities are expected to generate a significant number of additional system queries.

| PROGRAM CHANGES: | 1992 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Employer and Labor Relations..... | 49 | 5,262 | 49 | 46 | \$5,253 | ... |
| | | | | | ... | -\$9 |

A decrease of -\$9,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Activity: Immigration Support

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Training..... | 105 | 99 | 104 | 98 | 104 | 98 | ... | -\$7 |
| Data and Communi- | | | | | | | | |
| cations..... | 165 | 154 | 170 | 159 | 170 | 159 | ... | -1,082 |
| Information and | | | | | | | | |
| Records Mgmt... | 1,084 | 1,078 | 58,151 | 1,073 | 58,477 | 1,079 | ... | -30 |
| Intelligence.... | 62 | 59 | 4,967 | 61 | 58 | 5,368 | ... | -9 |
| Research and | | | | | | | | |
| Development... | 4 | 4 | 536 | 4 | 4 | 4 | ... | ... |
| Construction and | | | | | | | | |
| Engineering... | 13 | 12 | 17,006 | 13 | 12 | 19,283 | ... | 1,794 |
| Field Management | | | | | | | | |
| and Support... | 281 | 258 | 21,476 | 280 | 257 | 22,592 | ... | -9 |
| Legal Proceedings | 454 | 426 | 30,470 | 453 | 448 | 34,441 | ... | 2,408 |
| Total..... | 2,168 | 2,090 | 183,995 | 2,164 | 2,109 | 210,213 | 93 | 3,065 |

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Training..... | 105 | 99 | 104 | 98 | 104 | 98 | ... | -\$7 |
| Long Range Goal: To establish and maintain an employee development system that meets the needs of management and individual employees and complies with regulatory requirements. | | | | | | | | |

Major Objectives:

Provide basic training for all new employees and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs.

Train INS supervisors, managers, management officials and executives, and provide technical and specialized training for support functions to meet requirements that are not satisfied by in-service programs.

Base Program Description: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-service training at the Federal Law Enforcement Training Center facilities (FLETC) at Glynco, Georgia (basic officer training) and at Artesia, New Mexico (journeyman officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using service and non-service resources.

Accomplishments and Workload: Accomplishments of the Training program are presented in the following table:

| Item | Estimates | | |
|--|-----------|--------|--------|
| | 1990 | 1991 | 1992 |
| Workload Production/Training Starts: 1/ | | | |
| Border Patrol Basic..... | 216 | 288 | 480 |
| Immigration Officer Basic..... | 660 | 432 | 660 |
| Detention Officer Basic..... | 96 | 144 | 240 |
| Completions: | | | |
| Border Patrol Basic..... | 142 | 147 | 154 |
| Immigration Officer Basic..... | 325 | 476 | 1,025 |
| Detention Officer Basic..... | 84 | 124 | 120 |
| Journeyman Officer Training..... | 635 | 687 | 720 |
| Advanced Program..... | 1,048 | 541 | 756 |
| Leadership Program..... | ... | 48 | 202 |
| Contact Representatives and Docket Clerks..... | 120 | 22 | 72 |
| Other Training 2/..... | 2,523 | 15,524 | 17,164 |
| | | | 15,400 |

1/ Resources to support basic training will be provided by the benefiting decision unit.

2/ Beginning in 1991, other training includes training provided by other offices with or without training division assistance (specialty training); professional, technical, and clerical training provided through other Government or non-Government sources; and training efforts such as the INMCT 90 courses provided to more than 10,000 Service officer corps employees last year.

Program Changes:

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|---------------|-----------|----|----------|---------------|----|----------|-------------------|------|
| | Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY |
| Training..... | 104 | 98 | \$11,635 | 104 | 98 | \$11,628 | ... | -\$7 |

A decrease of \$7,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------|--------------------|------|-----------|------|---------------|------|-------------------|----------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| | 165 | 154 | 170 | 159 | 170 | 159 | ... | ... |
| Data and Communi- | | | | | | | | |
| cations..... | 165 | 154 | 170 | 159 | 170 | 159 | \$87,890 | ... |
| | | | | | | | | -\$1,082 |

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's information needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronics equipment and systems required by INS to support its law enforcement functions; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Implement the Information Architecture Study to improve, design and develop automated data processing (ADP) based systems and data bases related to programs in the Salaries and Expenses Appropriation.

Improve the quality, reliability, interconnection, maintenance, and the accessibility of existing database systems.

Install and maintain INS's major mission and management oriented systems throughout the Service.

Improve the efficiency and effectiveness of voice and data communications throughout the Service.

Provide office automation support for word processing, local tracking, analysis, and electronic mail.

Provide automated intrusion detection capabilities at Border Patrol sectors consisting of a variety of sensor and imaging equipment with centralized monitoring at the sector for dispatch and reporting purposes.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities.

Base Program Description: The function of this program is to provide direct support to the Service's operational programs as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; (3) maintaining the cost effective production and issuance of secure alien identification cards; and (4) providing radio communications, telephone call handling, intrusion detection (sensors), and electronic

security equipment and systems.

Accomplishments and Workload: Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the following:

1. ADP SYSTEMS

1. Systems Planning: The 1993 request represents the sixth year for the INS automation program as defined in the Automated Information Systems (AIS) Strategic Plan. An INS Information Architecture study completed in 1991 provides the framework for improving, designing and developing agency information systems. A parallel analysis, the Office Automation and Access project, also completed in 1991, defines the basic platform of equipment, networks, and communication links to support access to, and use of, automated systems. The Department of Justice computer centers continue to be the primary facilities for centralized ADP processing for the Service.

INS instituted the Personal Workstation Acquisition System (PWACS) to procure Office Automation/End User Tier Automation Requirements, the essential underlying platform that must be returned to INS offices to provide access to INS databases.

2. Systems Operation: The following operational systems have been expanded to support 275 INS sites: (1) the Central Index System houses records for over 30 million individuals and supports both State and Federal Government access to the SAVE program; (2) various subsystems of the Service's Financial Management Information System; (3) the Deportable Alien Control System was expanded to cover 100 percent of all cases; and (4) the A-file Accountability and Control System (AFACS) now covers 84 percent of the Services' active files, and is installed at all except the smallest INS locations. A fraud detection system under the Operational Activities Special Information System (OASIS) has been refined and enhanced. Development of the Enforcement Case Tracking System and enhancements to the Deportable Alien Control System in support of INNACT 90 requirements was initiated.

An Interagency Border Inspection System (IBIS) effort has been initiated involving Department of State, U.S. Customs Service and INS. At this time, a joint steering committee and working group has been established; automation strategies have been approved; an implementation schedule has been identified; and funding responsibilities have been identified and approved. A direct link between the Interagency Border Inspection System and the National Crime Information Center was established in 1989. As of 1990, 18 air ports-of-entry were automated and a land prototype of IBIS was installed using a local area network and two types of document readers at Nogales on the southwest border. Also during 1990, 33 single work stations without machine-readable document readers were installed at 33 land border sites. Telecommunications implementation has been started between U.S. Customs Service and INS. Interagency data exchange activities have been initiated between INS, USCS and DOS. During 1991, 20 airports of entry were provided full or basic (single workstations) and two land border sites were implemented. As of the end of 1991, IBIS installations covered an estimated 85 percent of all commercial airport traffic, and all of the major airport facilities. INS funding for IBIS is received from the Immigration User Fee Account (only for air and seaport development and implementation) and from the Salaries and Expenses Appropriation.

IBIS currently incorporates 70,000 lookouts, \$50,000 lost or stolen alien registration cards, approximately \$8,000 lost or stolen passports, \$80,000 Department of State (AVLOS/CLASS) excludable aliens, and some

300,000,000 USCS (TCS) lookout and related records from at least six other law enforcement agencies. IBIS also incorporates a Name/Date of Birth (DOB)/A-number cross reference index of approximately 8,000,000 valid alien registration cards to date. This index is used to perform Name/DOB queries automatically when a legal permanent resident or border crossing card query is performed against IBIS and NCIC. Currently, the intelligence community is working with IBIS to desensitize some of their information and incorporate their lookouts. Enforcement and intelligence agency involvement in IBIS is expanding with emphasis from the Administration's Border Security Review Group (BSRG).

The SAVE Program, standardized since October 1985, is now available to all states for alien benefit verification. A new contract for commercial services for operations and maintenance of the SAVE programs ASVI data base will be awarded in 1992.

During 1989 and 1990, the Automated Fingerprint Identification System (AFIS) project successfully demonstrated the capability to positively identify criminal aliens and repeat offenders of immigration law. This was accomplished by implementing a prototype advanced technology, computer-based fingerprint identification-storage-retrieval system in the southwestern United States.

In 1991, a contract was completed with the Western Identification Network (WIN) to provide access to 18 western states and local law enforcement databases.

The service installed eleven AFIS booking terminal sites and sixteen high quality fax locations which were networked along the southwestern border replacing two prototype installations.

Work has been initiated on the conversion to the DOJ Financial Management Information System (FMIS), principally on a budget execution module. Currently, the task is estimated to continue from 1991 through 1995. The replacement for the existing outdated mini-computer equipment utilized for INS's financial and management systems was purchased in 1990 has been installed. Software development will continue in 1992.

II. DATA COMMUNICATIONS

The Service's data communications network (INSINC) has been expanded to more than 325 data access facilities and 275 sites allowing for immediate access to INS systems on the Justice Data Center's mainframe computers. INSINC has been expanded to include access to at least two non-INS information sources--the National Law Enforcement and Telecommunications System (NLETS), which provides information from state law enforcement systems, and the FBI's National Crime Information Center (NCIC), which provides interstate criminal justice information on wanted, missing and unidentified persons, stolen vehicles and guns, and other properties and individual criminal histories. The transition from INSINC to FTS 2000 was completed in 1991, with no disruption of service to system users.

III. ELECTRONICS SUPPORT

1. Radio Systems: INS has commenced a major initiative to bring all radio systems and equipment into compliance with standards established by the Office of National Drug Control Policy. This initiative is supported with Department of Defense (DOD) funding. A study completed in 1990 produced a plan to provide for servicewide implementation over a five year period. A new system was implemented in El Paso, Texas, and work is continuing at other border locations.

2. Surveillance Systems: Low-light-level television (LLTV) systems are being expanded to additional Border Patrol sectors. Individual agent night vision scopes for field use, as well as infrared scopes and forward looking infrared equipment for aircraft, are part of the intrusion detection initiative. Closed-circuit television systems at service processing centers are also supported by this program.

The new Computer Assisted Dispatch and Reporting Enhancement (CADRE) system, providing sensor and dispatch functions, has been installed in the El Paso Border Patrol Sector. This will provide the basis for upgrading the systems in other sectors as funding permits.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|------------------------------|-----------|--------------|---------------|--------------|-------------------|----------|
| | Perm. | MX | Perm. | MX | Perm. | MX |
| | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Data and Communications..... | 170 | 159 \$58,972 | 170 | 159 \$57,890 | ... | ... |
| | | | | | | -\$1,082 |

A decrease of -\$1,082,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Additional resources will be provided to the Data and Communications program from the Advanced Appropriation from the Asset Forfeiture Fund Capital Surplus. Details are provided in the Justification of Adjustments to the Base.

| 1992 Appropriation | | | | 1993 Estimate | | | |
|--------------------|-------|-------|----------|---------------|-------|----------|----------------------|
| Anticipated | | | | Perm. | | | |
| | | | | Pos. | MX | Amount | Pos. |
| | | | | Pos. | MX | Amount | Pos. |
| Information and | | | | | | | |
| Records Management | 1,084 | 1,078 | \$55,151 | 1,079 | 1,073 | \$58,477 | 1,079 1,073 \$58,447 |
| | | | | | | | ... |
| | | | | | | | -\$30 |

Long-Range Goals: To provide complete and accurate information in a timely and professional manner to the Service, other Federal, State and local government agencies, and to the public on immigration procedures, policies, plans, activities, status, benefits and eligibility, including provisions of the Immigration Reform and Control Act of 1986 (IRCA) and the Immigration Act of 1990 (IMMACT 90); conduct and administer Servicewide information services and records programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as state and local governments seeking information on aliens. To ensure the reliability and integrity of automated and manual data generated by INS information systems (computer and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform and effective correspondence throughout INS.

Major Objectives:

Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Ensure Servicewide compliance with the Paperwork Reduction Act of 1980 as amended.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions.

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries from the public within 15 minutes, and all written inquiries received from the public within 20 days.

Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from INS operating components, other Federal Government agencies, State and local governments, law enforcement agencies, and the public.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, maintenance, processing and retrieval.

Improve the control, accountability and availability of INS's manual and automated records through improved systems and procedures, and provide training, and technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate and timely issuance of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement systems and ensure timeliness, accuracy, quality and completeness of all INS statistical data.

Develop, analyze, and publish timely, high-quality immigrant and non-immigrant statistics in annual statistical yearbooks, special bulletins, and reports for policy making at agency and national levels.

Establish and maintain liaison with Federal and State agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Ensure that the latest technologies are used in maintaining record keeping systems to be responsive to law enforcement officials who detect, arrest, combat fraud, and remove criminal aliens as soon as possible.

Base Program Description: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, State and Federal agencies; and the various branches of government, by telephone, in-person, and in writing; (2) maintain alien record and files from which data may be readily

obtained to respond to requests from both inside and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and (6) monitor and ensure internal compliance to standards for systems and service delivery. Portions of this program are funded from the Immigration Examinations Fee Account.

Accomplishments and Workload: Accomplishments of the Information and Records Management Program are presented in the following table:

| Item | Estimates (A) | |
|--|---------------|------------|
| | 1991 | 1992 |
| Information Services: | | |
| 1. Correspondence: | | |
| On-Hand, EOY..... | 5,353 | 13,266 |
| New Receipts..... | 569,477 | 600,000 |
| Completions..... | 561,564 | 595,000 |
| On-Hand, EOY..... | 13,266 | 18,266 |
| 2. Inquiries: | | |
| Ask Immigration Telephone System..... | 7,170,940 | 8,000,000 |
| Immigration Telephone Systems (Other)..... | 461,353 | 400,000 |
| INS "800" Telephone System..... | 750,651 | ... |
| In Person Inquiries: | | |
| Application Processing - Accepted..... | 1,479,849 | 1,500,000 |
| Application Processing - Not Accepted..... | 5,131,709 | 5,000,000 |
| 3. Records Completions: | | |
| Files Created..... | 1,024,012 | 1,000,000 |
| Records Verification..... | 812,635 | 800,000 |
| Files Transferred and Requested from Others/FRC's..... | 1,761,762 | 2,000,000 |
| Files Connection..... | 3,231,530 | 3,000,000 |
| Refiles..... | 3,591,948 | 3,500,000 |
| Mail Processing..... | 11,135,586 | 11,000,000 |
| 4. Freedom of Information Act/Privacy Act: | | |
| On-Hand EOY..... | 11,433 | 13,399 |
| New Requests..... | 70,121 | 63,000 |
| Completions..... | 68,155 | 65,000 |
| On-Hand, EOY..... | 13,399 | 11,399 |
| 5. Statistics: | | |
| PAS Receipts - Unedited Reports..... | 27,000 | 6,750(b) |
| Completions - Output Reports..... | 27,000 | 6,750(b) |
| Inquiries..... | 2,700 | 5,100(b) |

| Item | 1990 | 1991 | Estimated | |
|-------------------------------|------|------|-----------|------|
| | | | 1992 | 1993 |
| 6. Publications: | | | | |
| Statistical Yearbook..... | 1 | 1 | 1 | 1 |
| Nonimmigrant Quarterly..... | 4 | 4 | 4 | 4 |
| Immigrant Quarterly..... | 4 | 4 | 4 | 4 |
| Commissioner's Fact Book..... | ... | 1 | 1 | 1 |
| Country Profile..... | ... | 1 | 4 | 4 |
| Immigrant Issues..... | ... | 2 | 6 | 6 |

(a) Excludes workload performed by fee account staff.

(b) Changes from 1991 to 1992 are due to automation of the input side of the Performance Analysis System (PAS), resulting in increased inquiries primarily about the system operations.

As of December 1991, auto-attendant Ask Immigration (AI) Telephone Systems with new, updated message information were operating at 62 field offices, an increase of 6 offices over 1990, marking the conclusion of a four-year expansion program. All AI systems now provide callers, through a voice mail feature, with the ability to telephonically request INS forms.

A separate completely automated "INS 800" telephone information system continued to operate providing toll-free information nationwide to callers on major provisions of new immigration related information, processing over 4.2 million calls since it began.

A total of 56 field offices are now equipped with Immigration Direct Information Access Lines (IDIAL) Systems as of December 1991, an increase of 20 offices over 1990.

Ask Immigration (AI) Telephone Device for the Deaf (TDD) capability was developed and tested at the Arlington, VA District Office. This AI TDD enhancement enables hearing impaired callers to have access to the complete library of AI subject messages.

The Alien Files Accountability and Control System (AFACS) has now been installed at a total of 26 sites, thus, expanding the population of A-files under control of AFACS to approximately 85 percent of all active alien files. With the expansion also came a conversion of the AFACS platform to a PC-LAN environment, connected to the national systems through its interface with the Central Index System. The functionality of AFACS has been enhanced to include tracking and processing of receipt files and other service forms.

An electronic File Image Processing Prototype System (FIPPS) has also been developed. FIPPS is comprised of optical disk storage devices, an optical scanner for imaging and character recognition capabilities, barcode technology, and electronic image transmissions. The prototype effort, underway in a laboratory environment for testing, is now in the process of an evaluation of FIPPS's as a possible alternative to certain labor-intensive data entry and data/image retrieval operations.

The FIPPS imaging and optical character recognition capabilities will directly support the image storage and data collection pillars of the Information Systems Architecture (ISA). As INS moves away from reliance on paper files, the AFACS platform will play a relational support role to the Information Architecture by providing an

A prototype Text Information Management system which captures information on INS service Law Books and Administrative Manuals (policies, directives, regulations, statutes, instructions, and forms) using Compact Disk (CD) Read Only Memory (ROM) technology was developed and successfully tested in the standalone and local area network environments at the INS headquarters in the first half of 1991. In the second half of 1991, a second prototype disk, using an upgraded application software (Microsoft Windows), was tested and evaluated. In 1992, the CD-ROM technology will be tested at two selected field sites in both the network and the standalone environments. CD-ROM is related to the Information Architecture through the network services, as part of the collection and distribution services of Administration data.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---|------------|----------------|---------------|----------------|-------------------|-----------|
| | Perm. Pos. | WX Amount | Perm. Pos. | WX Amount | Perm. Pos. | WX Amount |
| Program Changes: | | | | | | |
| Information and Records Management..... | 79 | 1,073 \$58,477 | 1,079 | 1,073 \$58,447 | ... | -\$30 |

| | | | | | | | | | |
|---|----|-------|----------|-------|-------|----------|-----|-----|-------|
| Information and Records Management..... | 79 | 1,073 | \$58,477 | 1,079 | 1,073 | \$58,447 | ... | ... | -\$30 |
|---|----|-------|----------|-------|-------|----------|-----|-----|-------|

A decrease of -\$30,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. These reductions will be made in various equipment items.

| | Anticipated | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------|-------------|-----------|-------------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. Posl. | WY Amount | Perm. Posl. | WY Amount | Perm. Posl. | WY Amount | Perm. Posl. | WY Amount |
| Intelligence..... | 62 | \$9,967 | 61 | \$5,397 | 61 | \$5,388 | ... | -\$9 |

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

provide the tactical/operational intelligence assistance and support needed by the Chief Patrol Agents, District directors, and field units to accomplish their mission.

maintain liaison with appropriate United States and foreign government agencies on immigration and national security matters including the movement of known or suspected international terrorists.

Purnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990.

Base Program Description: This program provides strategic and tactical intelligence support to service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other frauds.

Accomplishments and Workload: Accomplishments of the Intelligence program are presented in the following table. Increased convictions by Anti-smuggling and Investigations and increased interceptions of inadmissible aliens by inspections are anticipated.

| Item | Estimates | |
|--|-----------|--------|
| | 1990 | 1991 |
| Cases received for examination of fraudulent documents at the FDL..... | 1,310 | 1,398 |
| Cases completed for examination of fraudulent documents at FDL..... | 1,310 | 1,343 |
| Cases received at EPIC for input (total)..... | 22,200 | 20,545 |
| Fraudulent documents for microfilming..... | 9,866 | 10,054 |
| OASIS cases received..... | 12,344 | 10,491 |
| Inputs completed at EPIC (total)..... | 19,487 | 21,053 |
| Fraudulent documents microfilmed..... | 8,795 | 9,736 |
| OASIS cases entered into database..... | 10,692 | 11,317 |
| Queries of INS databases at EPIC..... | 16,319 | 15,785 |
| Positive INS responses provided to EPIC queries..... | 3,784 | 2,778 |
| Published intelligence products 1/..... | 101 | 101 |

1/ This workload includes products produced by the Headquarters Analysis Section and the Forensic Document Laboratory such as the monthly intelligence summary; officer safety bulletins; executive briefs; document intelligence alerts; strategic assessments; intelligence bulletins; etc.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|-------------------|-----------|----|---------------|----|-------------------|-----|
| | Perf. | FX | Perf. | FX | Perf. | FX |
| Intelligence..... | 61 | 58 | 61 | 58 | \$5,388 | ... |

A decrease of -\$9,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Anticipated | | Perm. | | Perm. | | Perm. | |
| | Pos. | NX Amount | Pos. | NX Amount | Pos. | NX Amount | Pos. | NX Amount |
| Research and Development..... | 4 | \$536 | 4 | \$544 | 4 | \$544 | ... | ... |

Long-Range Goal: To improve the capability of INS in detecting and apprehending illegal entrants and drug smugglers into the United States and provide technological guidance in support of all INS operations.

Major Objectives:

Research, develop, apply, and evaluate surveillance, identification, advanced/satellite communications, security/safety technologies and systems to more effectively support the operating programs in detecting illegal alien and related drug intrusions over thousands of miles of border, as well as the interior of the United States with emphasis on automation, reliability, and efficiency.

Develop operations research systems to determine optimal use of existing Detention and Deportation resources. Research and develop capital budgeting systems to determine optimal location of additional Detention and Deportation capital resources.

Provide scientific and technological coordination with and support to the Office of National Drug Control Policy.

Provide liaison with the Federal, Industrial, and university research and development communities to stimulate, maintain, and integrate technical work relevant to high priority interests of INS.

Base Program Description: The function of the Research and Development program is to examine problems of the Service and to develop new or adopt existing technologies for their solution. The objectives of this program are pursued through in-house, contract, interagency agreement and information interchange activities. These activities cover signal processing radar, infrared imaging, low light level television, stationary and mobile platforms, communications, microprocessing, data processing, automatic controls, digital and analog techniques, pattern recognition, simulation, test and evaluation, and systems analysis.

Accomplishments and Workloads: The Research and Development program seeks to maintain a technological base in areas crucial to the successful execution of INS operations. Accomplishments include the following:

Initial investigations are being made into automatic biometrics analysis of individuals, specifically facial recognition. It is a complex and relatively new technology that will recognize and identify human faces, without active participation, by comparison to reference images in a database. The technology is being developed to monitor human traffic flow at airports, checkpoints, and other ports-of-entry in order to positively identify known illegal and criminal aliens, terrorists, drug traffickers, and other persons of special interest to the U.S. Government.

Electro-optics is another field of investigation for Research and Development. In conjunction with the U.S. Army, a test program is underway to use uncooled thermal imaging technology in vehicles to enable Border Patrol agents to safely pursue illegal entrants at night.

Several projects are underway relating to sensor technology. INS is developing manufacturing specifications for a suite of ground sensors. This will be a government-owned design that will be contracted for manufacturing. It is modular, allowing for upgrades and introductions of new technological components as they become available. Another sensor project is designed to tie in the ground sensors with a specialized camera, so that when a sensor is triggered, the camera will transmit an image of the event to a central monitoring station. This project is in the prototype development phase.

Non-lethal weapons and body armor is another area of investigation. In addition to participating in inter-agency committees relating to this issue, the Research and Development program has initiated several projects, including a non-lethal car-stopper device, currently under development.

The Research and Development program actively participates in several inter-agency committees to coordinate investigation of technologies. Some of these are: the Science and Technology Committee of the Office of National Drug Control Policy, the Satellite Technology Working Group, the Tracking and Surveillance Working Group, the Detection and Monitoring Working Group, the Container Inspection Working Group, and the Unattended Ground Sensor Group. By coordinating development and acquisition activities with other agencies, INS should realize substantial savings.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|--|--------------------|-----|----------|-----------|----|----------|---------------|----|----------|-------------------|---------|
| | Per. | MX | Amount | Per. | MX | Amount | Per. | MX | Amount | Per. | MX |
| | FOA | | | FOA | | | FOA | | | FOA | |
| Construction and Engineering..... | 13 | -12 | \$17,006 | 13 | 12 | \$17,489 | 13 | 12 | \$19,283 | ... | \$1,794 |
| Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Nationality Act. | | | | | | | | | | | |

Major Objectives:

Construct, alter and maintain effective, safe, energy conserving, and attractive facilities.

Construct a new traffic checkpoint at San Clemente, CA.

Construct border patrol stations at Yuleta, TX; Brownfield, CA; and Laredo, TX.

Construct a 300 bed lockdown dormitory at Krome SPC, Florida.

Base Program Description: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the Service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA).

by lease, by INS construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, state, county, local airport and foreign authorities.

Accomplishments and Workload: Accomplishments of the Construction and Engineering program are presented in the following table:

| Item | 1990 | | 1991 | | Estimates | |
|--|-------|--------|-------|--------|-----------|------|
| | Perm. | Amount | Perm. | Amount | 1992 | 1993 |
| Major New Construction Projects..... | 9 | | 14 | | 16 | 13 |
| Verify GSA billings..... | 438 | | 450 | | 460 | 460 |
| Building Evaluations..... | 18 | | 18 | | 18 | ... |
| Design Support Projects..... | 30 | | 42 | | 34 | 31 |
| SP-81/144 (Request for Space) sent to GSA (Service-wide)/..... | 54 | | 60 | | 60 | 20 |

1/ These workload statistics reflect the number of actions processed and are not necessarily driven by available resources. The documents included in this item are initiated for increases in space, decreases in space, relocation of offices, revisions to existing space, consolidation of operations, and GSA-mandated moves.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|-----------|----------|---------------|----------|-------------------|---------|
| | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| Construction and Engineering..... | 13 | \$17,489 | 13 | \$19,283 | ... | \$1,794 |

Detention and Deportation Related

In 1991, Congress approved \$4,500,000 for criminal alien detention expansion at the Krome Service Processing Center in Florida. These resources only provided for expanded bedspace and did not provide for support facilities such as dining, recreation, and health care areas that requiring isolation from the regular detention facilities and to maintain the appropriate level of security. An increase of \$1,800,000 is requested to build these support facilities.

Reduction for Equipment

A decrease of -\$6,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|--------------------|----------|-----------|----------|---------------|----------|-------------------|--------|
| | Perm. | Amount | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| Field Management and Support..... | 281 | \$21,476 | 280 | \$22,601 | 280 | \$22,592 | ... | -\$9 |

Long Range Goal: To provide management direction to field units that implement major policy and management decisions for more than one program.

Major Objectives:

Ensure effective law enforcement and uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Base Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs. The staff consists of district directors and officers-in-charge, their deputies and secretaries and administrative support at the field office level.

Accomplishments: The Field Management and Support program provides management direction to field units on implementing INS policy and initiatives. This program provides the necessary management direction and administrative support at the field level for the Service's commitment to strengthen its enforcement efforts as well as improve service to the public. The staff consists of district directors and officers-in-charge, their deputies and secretaries and administrative support at the field office level.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|-----------|--------|---------------|--------|-------------------|----------|
| | Perm. | NY | Perm. | NY | Perm. | NY |
| | FOIA | Amount | FOIA | Amount | FOIA | Amount |
| Field Management and Support..... | 280 | 257 | \$22,601 | 280 | 257 | \$22,592 |
| | | | | | ... | ... |
| | | | | | ... | -\$9 |

A decrease of -\$9,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

1992 Appropriation

| | Anticipated | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------|-------------|--------|-----------|--------|---------------|----------|-------------------|---------|
| | Perm. | NY | Perm. | NY | Perm. | NY | Perm. | NY |
| | FOIA | Amount | FOIA | Amount | FOIA | Amount | FOIA | Amount |
| Legal Proceedings.... | 454 | 426 | \$30,470 | 453 | 425 | \$32,033 | 546 | 448 |
| | | | | | | | \$34,441 | 93 |
| | | | | | | | 23 | \$2,408 |

Long Range Goal: To provide legal representation for the United States Government in all cases and matters arising before Immigration Judges, the Board of Immigration Appeals, Administrative Law Judges, and the Office of the Chief Administrative Hearing Officer; represent INS in all other contested administrative hearings in which the agency is involved; provide legal advice and support to INS operating personnel; represent INS in cases being tried in Federal courts; and consult, train, and provide legal support for interagency efforts in combating the threat to the Nation posed by alien criminals.

Major Objectives:

Represent the Service before administrative bodies and Federal courts in employer sanctions and civil document fraud matters.

Provide litigation and consultation support to interagency task force operations to effect the expeditious deportation of criminal aliens and thereby reduce costs of incarceration.

Provide litigation assistance in Federal and local drug and organized crime task forces.

Provide litigation support in developing removal strategies for criminal aliens to effect their expeditious exclusion and/or deportation from the U.S.

Provide training for attorneys and enforcement personnel in employer sanctions and civil document fraud cases.

Furnish legal counsel and training in immigration law for enforcement officers of State, local, and other Federal agencies for identification and expeditious processing of alien drug traffickers and criminals.

Provide increased support to the Finance Branch to increase debt collection.

Base Program Description: INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The program provides litigation support in agency litigation being conducted in United States District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Central Office, Regional Administrators, District Directors, and Border Patrol Sector Chiefs on legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.

Accomplishments and Workload: Accomplishments of the Legal Proceedings program are presented in the following table:

| Item | Estimates | | | |
|--|-----------|---------|---------|---------|
| | 1990 | 1991 | 1992 | 1993 |
| Non Sanctions Workload: | | | | |
| Trial Attorney Appearances..... | 266,107 | 271,215 | 272,000 | 282,350 |
| Discovery..... | 703 | 503 | 510 | 540 |
| Cases Prepared..... | 247,007 | 282,707 | 283,000 | 294,430 |
| Preparation of Legal Briefs..... | 27,358 | 23,123 | 23,200 | 24,110 |
| Legal Consultation..... | 173,842 | 159,700 | 160,000 | 166,740 |
| Legal Memos..... | 11,252 | 12,573 | 13,000 | 13,440 |
| Collection of overdue debts (\$000's)..... | \$1,536 | \$2,700 | \$2,700 | \$2,700 |
| Sanctions Workload: | | | | |
| Notices of Intent to Fine: | | | | |
| Received..... | 2,961 | 2,718 | 3,000 | 3,000 |
| Completed..... | 2,919 | 2,410 | 2,500 | 2,500 |
| Consultations and Legal Advice Complete..... | 26,305 | 21,469 | 21,500 | 21,550 |

| Item | Estimates | | |
|---|-----------|-------|-------------|
| | 1990 | 1991 | 1992 1993 |
| Legal Opinions and Memoranda..... | 4,687 | 4,698 | 4,500 4,500 |
| Training Completed..... | 1,082 | 1,700 | 1,700 1,700 |
| Administrative Law Judge Cases: | | | |
| Received..... | 803 | 505 | 510 510 |
| Completed..... | 777 | 554 | 560 560 |
| Administrative Law Judge Cases Appearances Completed..... | 511 | 426 | 430 430 |
| Other Administrative Law Judge Matters Completed..... | 8,862 | 4,868 | 4,900 4,900 |
| Civil Document Fraud Workload: 1/ | | | |
| Notices of Intent to Fine: | | | |
| Received..... | ... | ... | 120 1,440 |
| Completed..... | ... | ... | 120 1,440 |
| Consultations and Legal Advice Completed..... | ... | ... | 1,062 7,350 |
| Legal Opinions and Memoranda..... | ... | ... | 171 1,100 |
| Training Completed..... | ... | ... | 40 270 |
| Administrative Law Judge Cases: | | | |
| Received..... | ... | ... | 36 250 |
| Completed..... | ... | ... | 35 250 |
| Administrative Law Judge Case: | | | |
| Appearances Completed..... | ... | ... | 60 140 |
| Other Administrative Law Judge Matters Completed..... | ... | ... | 360 2,500 |

1/ The Immigration Act of 1990 calls for new civil cause of action against document fraud, which is reflected in the workload table beginning in 1992.

Other accomplishments include the following:

Employer Sanctions Program: Success of the Mock Hearing Program continues to ensure the quality of the cases being litigated. As a result, INS has received favorable decisions in all Employer Sanctions cases tried to date before Administrative Law Judges. These decisions have proven to be crucial to the development of employer sanctions law.

Maintenance of the Index of Case Decisions on Employer Sanctions and the Digest of Case Decisions on Employer Sanctions. These newly-created reference tools for sanctions attorneys have already proven to be effective time-savers in researching particular points of law in sanctions cases.

Continuation of the Employer Sanctions Legal Advisory Committee. Created during the early stages of employer sanctions, the Committee continues to be of immense value in resolving complex legal issues as well as providing field offices with input on major employer sanctions legal matters.

Updating of the Employer Sanctions Basic Training Course and Advanced Attorney Training Course.

Further development of an Advanced Training Course for enforcement officers. Now that enforcement personnel have gained experience in investigating employer sanctions cases, the advanced training course must continue

to be offered.

Providing training at the Federal Law Enforcement Training Center (FLETC). Experienced sanctions attorneys conduct training in employer sanctions for Service Special Agents and Border Patrol Agents at the FLETC facilities in Glynnco, Georgia and Artesia, New Mexico.

All of the training mentioned above is critical in light of the new employer sanctions regulations (8 Section 274a), and the newly revised Handbook for Employers (N-274) and Employment Eligibility Verification Form (Form I-9).

Criminal Alien Program: The Legal Proceedings Program continues to emphasize identification and deportation of criminal aliens. The Immigration Act of 1990 broadens the definition of "aggravated felon" and limits the amount of discretionary relief available to such felons. Under the Act, all aggravated felons who are not lawfully admitted must be detained. Expedited exclusion and deportation of these aliens requires more intensive legal review because of the numerous categories the aliens can fall under depending on the nature of the conviction.

In coordination with the Executive Office of Immigration Review and state correctional systems, the Legal Proceedings program has established the "institutional hearing program" in most states. Institutional hearings also have been expanded in the federal correctional system. Each hearing must be staffed by an INS attorney. By completing these hearings in a state or federal institution, a criminal alien can be deported immediately upon release, thereby protecting society from further harm from the alien as well as saving the costs of detaining the alien after release from prison while the deportation process continues.

The Legal Proceedings program works with the Department of State, Bureau of Prisons, and other interested agencies and countries to develop programs whereby a convicted alien will serve his or her sentence in the country of origin.

INS attorneys also encourage criminal prosecutors to make "self deportation" part of any plea bargain that is entered into at the time of conviction. INS attorneys are in place in all INS district offices to coordinate and assure the effectiveness of criminal alien programs in their districts.

Enforcement Counsel Programs, in place in all INS districts and Border Patrol sectors, provide legal advice regarding the apprehension, deportation, prosecution, and subsequent deportation of criminal aliens. This has resulted in the more efficient targeting of criminal aliens through such innovative programs as the Alien Smuggling Interdiction and Removal Program.

General Law Program: The Legal Proceedings program continues to prepare various legal opinions on immigration law and policy issues arising from the Immigration Act of 1990 and other legislative changes. The program provides legal support to agency operations and private organizations and revised agency regulations for publication in the Federal Register.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------|-----------|--------------|---------------|--------------|-------------------|------------|
| | Pos. | MX Amount | Pos. | MX Amount | Pos. | MX Amount |
| Legal Proceedings..... | 453 | 425 \$32,033 | 546 | 448 \$34,441 | 93 | 23 \$2,408 |

Total Legal Proceedings program changes of 93 positions, 23 workyears and \$2,408,000 as described below.

Criminal Alien Management

An increase of 60 positions, 15 workyears, and \$1,571,000 is requested to accommodate the increased workload resulting from additional Immigration Judges requested for the Executive Office of Immigration Review.

The Immigration Act of 1990 (Section 112) authorized 20 additional Immigration Judges for the Executive Office of Immigration Review (EOIR), specifically to facilitate and expedite deportation of criminal aliens. At a ratio of two attorneys for each Immigration Judge, INS will need an additional 40 trial attorneys and 20 support positions to accommodate the increased workload resulting from the additional Judges. There are an estimated 125,000 criminal aliens already housed in Federal, State and local correctional facilities most of whom will end up in deportation proceedings. Without adequate legal resources to support the Federal position in these cases, the legal system becomes backlogged and ineffective.

The new attorney positions will be assigned to those areas with the largest concentrations of criminal aliens, including New York, Illinois, Florida, Texas and California. Besides expediting deportation hearings for criminal aliens, the additional staff will allow INS to expand its institutional hearing program at both State and Federal levels.

IMMIGRATION ACT OF 1990

The Immigration Act of 1990 calls for new civil cause of action against Immigration document fraud, which significantly impacts on Immigration litigation. Increases of 33 positions (19 attorneys, 7 paralegals, and 7 legal technicians), 8 workyears, and \$843,000 are requested for the Civil Document Fraud Program to provide the necessary legal review and representation.

The Act also contains provisions that create new civil cause of action for any document fraud committed to satisfy any and all requirements under the Act. It is anticipated that some 4,800 Notices of Intent to Fine (NIF's) will be issued in the first year of implementation for civil document fraud, requiring close review by INS attorneys of each case to ensure legal sufficiency. It is estimated that 30 percent of the NIF's (1,440) will result in a complaint being filed with the Office of the Chief Administrative Hearing Officer (OCAHO), necessitating INS legal representation.

When an appeal of a NIF has been filed with OCAHO, INS enforcement programs will benefit from having attorneys work closely with case agents, conduct pre-trial discovery, prepare for trials, litigate cases and handle appeals. The attorneys in the regions will conduct oversight of all civil document fraud cases as well as assist with trial preparation. The attorneys at Headquarters will conduct mock trials, give legal advice, provide training, and coordinate the overall nationwide civil document fraud program. The mock hearings will help ensure that INS agents are prepared to testify on these newly created procedures and to develop a consistent body of law.

The civil document fraud legal advisory meetings will help resolve legal issues as well as provide the field with advice on major civil document fraud legal issues, and also act as a focal point for eliciting the views of INS operating components on policy and procedural matters involving civil document fraud.

Reduction for Equipment

A decrease of -\$6,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Activity: Program Direction

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---------------------------|--------------------|-----|---------|-----------|-----|---------|---------------|-----|---------|-------------------|-----|--------|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount |
| <u>1992 Appropriation</u> | | | | | | | | | | | | |
| Executive Direction | 100 | 94 | \$8,926 | 100 | 94 | \$9,247 | 100 | 94 | \$9,223 | ... | ... | \$-24 |
| and Control..... | | | | | | | | | | | | |
| Administrative | 327 | 272 | \$0,138 | 326 | 271 | \$4,832 | 326 | 271 | \$4,024 | ... | ... | -\$805 |
| Services..... | 497 | 466 | \$9,764 | 496 | 465 | 74,086 | 496 | 465 | 73,257 | ... | ... | -\$829 |
| Total..... | | | | | | | | | | | | |
| <u>1992 Appropriation</u> | | | | | | | | | | | | |
| <u>1993 Base</u> | | | | | | | | | | | | |
| Executive Direction | 100 | 94 | \$8,926 | 100 | 94 | \$9,247 | 100 | 94 | \$9,223 | ... | ... | -\$24 |
| and Control..... | | | | | | | | | | | | |
| <u>1993 Estimate</u> | | | | | | | | | | | | |
| <u>Increase/Decrease</u> | | | | | | | | | | | | |

Long Range Goals

To increase the effectiveness of the Service through the use of Mission Plan goals and strategies; formulate and coordinate meaningful and consistent policy; provide program direction throughout all levels of the Service; and evaluate policy with a view toward recommending practical changes.

Major Objectives

- Provide for continuity, coordination and control of the overall management and administration of INS.
- Direct Servicewide policy and implementation responsibilities.
- Implement immigration reform.
- Improve agency responsiveness through continued enhancement of management systems including:
 - Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources
 - Continuing to emphasize and institutionalize INS's Management by Objectives (MBO) system with further integration between mission and priority planning and systems of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation;

- Increase leadership in the formulation of National Immigration policy.

Base Program Description: The function of this program is to effectively execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources. Included in this program are duties related to: (1) providing executive direction and control of the service; (2) furnishing accurate and prompt responses to Congressional and public inquiries; (3) administering and maintaining an effective budgeting system; and (4) developing and evaluating policies and systems to improve the effectiveness of service programs.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

| Item | 1990 | | 1991 | | Estimates 1992 | | Estimates 1993 | |
|------------------------|-------|--------|-------|--------|----------------|--------|----------------|--------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| Congressional Affairs: | | | | | | | | |
| Telephone replies..... | | 24,108 | | 24,000 | | 30,000 | | 30,000 |
| Written replies..... | | 5,389 | | 6,000 | | 5,700 | | 5,700 |

More effective management of the agency and enhanced operational effectiveness have been achieved through the concentration of effort on high-priority activities and immigration policy leadership. For example, a team of Immigration Service experts was assembled at Headquarters to write regulations and provide guidance and instructions concerning key areas of the Immigration Act of 1990 including: Temporary Protected Status of El Salvadorans, which took effect in January 1991; the administrative naturalization provisions of the Act; the enforcement provisions of the Act; and other adjudications related provisions of the Act.

Responsibilities of the Office of Finance have increased significantly during the past several years. In addition to the appropriated account, five reimbursable accounts have been added to the service. The Office of Finance managed resources totalling over \$1.2 billion for fiscal year 1991. In 1991, the Office of Finance conducted monthly financial reviews, as well as detailed quarterly fiscal reviews that involved the Executive Staff, regions and program managers input in resolving problem areas. During 1991, the Service began to migrate to the Department of Justice's Financial Management Information System (FMIS). We are currently pursuing the implementation of the Distributed Budget Module (DBM) portion of the FMIS. The approach taken is the phased implementation of the DBM beginning at the Headquarters level with field implementation to follow.

Program Changes:

| | 1992 Base | | 1991 Estimate | | Increase/Decrease | |
|--|-----------|------|---------------|------|-------------------|------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |

| | | | | | | | | | |
|--------------------------------------|-----|----|---------|-----|----|---------|-----|-----|-------|
| Executive Direction and Control..... | 100 | 94 | \$9,247 | 100 | 94 | \$9,223 | ... | ... | -\$24 |
|--------------------------------------|-----|----|---------|-----|----|---------|-----|-----|-------|

A decrease of -\$24,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

| | 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|------------------------------|--------------------|-------------|-----------|--------|---------------|----------|-------------------|--------|
| | Perm. | Anticipated | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| | Fed. | NY | Fed. | NY | Fed. | NY | Fed. | NY |
| Administrative Services..... | 397 | 372 | \$80,338 | 396 | 371 | \$64,034 | ... | -\$805 |

Long Range Goals

To provide the full-range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

Major Objectives

- Provide personnel and equal opportunity support services and program direction.
- Provide accounting support services and program direction.
- Provide property management and procurement support and program direction.
- Provide vehicle support services.
- Provide overall management direction and control for all management programs and the full range of security, safety and health support activities.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include: personnel; accounting, equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services that support all programs within INS.

Accomplishments and Workload: Accomplishments of Administrative Services program are presented in the following table.

| Item | 1990 | | 1991 | | Estimates | |
|--|--------------|--------------|--------------|--------------|--------------|--------------|
| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 |
| Personnel: | | | | | | |
| Personnel Actions..... | 60,192 | 64,275 | 80,290 | 100,418 | 110,418 | 120,418 |
| Number of Persons Hired..... | 951 | 1,610 | 2,231 | 2,867 | 3,502 | 4,137 |
| Position Classification Requests..... | 1,086 | 1,776 | 1,954 | 2,146 | 2,338 | 2,530 |
| Position Review Requests..... | 8,217 | 8,843 | 10,767 | 14,874 | 18,981 | 23,088 |
| Formal Grievances..... | 154 | 274 | 289 | 296 | 303 | 310 |
| Adverse and Disciplinary Actions..... | 561 | 807 | 888 | 895 | 902 | 909 |
| Unfair Labor Practice Changes..... | 197 | 248 | 270 | 285 | 290 | 295 |
| Finance: | | | | | | |
| Bills..... | 20,000 | 20,600 | 22,300 | 23,400 | 24,500 | 25,600 |
| Vouchers..... | 150,000 | 190,000 | 203,000 | 213,000 | 223,000 | 233,000 |
| Collection of Fines, bonds, etc. (Amount Collected)..... | \$22,000,000 | \$14,000,000 | \$23,000,000 | \$26,000,000 | \$29,000,000 | \$32,000,000 |

| Item | 1990 | 1991 | Estimated 1992 |
|---|---------|---------|-------------------|
| Equal Employment Opportunity Office: | | | |
| EEO Evaluation and Assist Management Officials..... | 436 | 484 | 517 |
| EEO Discrimination Complaints..... | 6,407 | 7,081 | 7,600 |
| Training Supervisors, Employees, and Collateral Duty. | 11 | 16 | 23 |
| Property Management: | | | |
| Property Action Documents..... | 522,000 | 574,000 | 585,000 |
| Non-Expendable Property (Volume of Property in Inventory) | 212,000 | 233,000 | 238,000 |
| Contracting and Procurement: | | | |
| Contract Actions (Over \$25,000)..... | 386 | 285 | 300 |
| GSA Delivery Orders (Over \$25,000)..... | 104 | 49 | 52 |
| Modifications, Other Delivery Orders, Modification to | | | |
| Delivery Orders..... | 313 | 262 | 275 |
| Small Purchase Actions..... | 65,246 | 17,807 | 18,400 |
| Interagency Agreements..... | 175 | 89 | 96 |
| Safety and Health: | | | |
| Safety and Health Inspections..... | 200 | 300 | 350 |
| Safety and Health Training..... | 6 | 4 | 6 |
| Security: | | | |
| Security Clearances Issued..... | 729 | 800 | 900 |
| Security Inspections..... | 3 | 9 | 16 |
| Contract Security Cases Adjudicated..... | 2,430 | 3,446 | 3,687 |
| COMSEC Equipment Inventory..... | 900 | 1,251 | 1,400 |
| COMSEC Key Issued..... | | 1,251 | 15,400 |
| COMSEC Inspections..... | 1 | 6 | 10 |

1/In 1993, a greater than normal increase in the number of personnel actions processed is anticipated due to:
(1) The projected increase in the size of the workforce; and (2) anticipated personnel actions as a result of
the provisions of the Federal Employees Pay Comparability Act of 1990.

2/ These statistics are for the total workload in all accounts. The nature of the workload being measured does
not allow for breakdown by account. This decision unit supports all programs Servicewide and a single action
will often include Basic, Examinations Fee, and Inspections User Fee activities.

3/ The 1990 and 1991 workload statistics were extracted from the Federal Procurement Data System and the DOJ
Automated Contract File. The apparent disparity in the number of actions processed stems from differing
interpretations and definitions of items to be recorded into these systems by various offices.

Program Changes:

| | 1993 Base | 1993 Estimate | Increase/Decrease |
|------------------------------|------------------|------------------|-------------------|
| | Perm. | Perm. | Perm. |
| | FOA. MY Amount | FOA. MY Amount | FOA. MY Amount |
| Administrative Services..... | 396 371 \$64,839 | 396 371 \$64,034 | ... - \$805 |

A decrease of -100,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Additional resources will be provided to the Administrative Services program from the Special Forfeiture Fund and the Advance Appropriation from Asset Forfeiture Fund Capital Surplus for the purchase of vehicles for the Border Patrol and Investigations programs. Details are provided in the justification of Adjustments to the Base.

**Immigration and Naturalization Service
Salaries and Expenses**
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Control the Border | | Criminal Alien Management | | Detention Support | |
|--|--------------------|---------|---------------------------|---------|-------------------|----------------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | |
| GS/GM-16..... | ... | ... | 1 | 997 | ... | ... |
| GS/GM-14..... | ... | ... | 1 | 87 | 2 | 913 |
| GS/GM-13..... | ... | ... | 6 | 240 | ... | ... |
| GS-12..... | ... | ... | 16 | 726 | 46 | 1,936 |
| GS-11..... | ... | ... | ... | ... | 30 | 1,008 |
| GS-9..... | 200 | \$5,659 | 66 | 1,629 | 30 | 834 |
| GS-7..... | ... | ... | 7 | 166 | 126 | 2,912 |
| GS-6..... | ... | ... | 7 | 126 | 9 | 166 |
| GS-4..... | ... | ... | ... | ... | 2 | 33 |
| Federal Law Enforcement pay costs..... | ... | 245 | ... | 69 | ... | 269 |
| Total positions and annual rate..... | 200 | 5,603 | 94 | 2,994 | 249 | 7,297 |
| Lapse (-)..... | (166) | (4,424) | (70) | (2,263) | (166) | (6,806) |
| Other personnel compensation..... | 8 | 351 | 3 | 119 | 3 | 121 |
| Total workyears and personnel | | | | | | |
| Compensation..... | 56 | 1,730 | 27 | 850 | 66 | 1,860 |
| Personnel benefits..... | ... | 753 | ... | 319 | ... | 722 |
| Travel and transportation of persons..... | ... | 1,391 | ... | 354 | ... | 546 |
| GSA rent..... | ... | 1,661 | ... | 735 | ... | 1,946 |
| Comm., utilities, and misc charges..... | ... | 199 | ... | 94 | ... | 236 |
| Other services..... | ... | 820 | ... | 346 | ... | 16,190 |
| Supplies and materials..... | ... | 619 | ... | 174 | ... | 129 |
| Equipment..... | ... | 1,947 | ... | 916 | ... | 1,161 |
| Land and structures..... | ... | ... | ... | ... | ... | ... |
| Total program workyears and obligations | | | | | | \$1,800 |
| changes requested, 1963..... | 56 | 6,620 | 27 | 3,639 | 66 | 21,811 |
| | | | | 15 | 1,671 | 1,800 |

Immigration and Naturalization Service
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | IMMIGR 90 | | Inspections | | Border Patrol | | Reduction for Equipment | | Investigations | | Anti-Smuggling | | Detent. & Deport | |
|--|-----------|---------|-------------|--------|---------------|--------|-------------------------|--------|----------------|--------|----------------|--------|------------------|--------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | | | | | | | | | |
| GS/GM-16..... | 16 | \$1,076 | | | | | | | | | | | | |
| GS/GM-14..... | | | | | | | | | | | | | | |
| GS/GM-13..... | | | | | | | | | | | | | | |
| GS-12..... | | | | | | | | | | | | | | |
| GS-11..... | | | | | | | | | | | | | | |
| GS-9..... | 7 | 196 | | | | | | | | | | | | |
| GS-7..... | 7 | 168 | | | | | | | | | | | | |
| GS-6..... | | | | | | | | | | | | | | |
| GS-4..... | | | | | | | | | | | | | | |
| Federal Law Enforcement pay costs..... | | | | | | | | | | | | | | |
| Total positions and annual rate..... | 33 | 1,429 | | | | | | | | | | | | |
| Leaves (-)..... | (26) | (1,062) | | | | | | | | | | | | |
| Other personnel compensation..... | | | | | | | | | | | | | | |
| Total workyears and personnel compensation..... | 8 | 367 | | | | | | | | | | | | |
| Personnel benefits..... | | 127 | | | | | | | | | | | | |
| Travel and transportation of persons..... | | 54 | | | | | | | | | | | | |
| GSA rent..... | | 126 | | | | | | | | | | | | |
| Comm., utilities, and misc charges..... | | 16 | | | | | | | | | | | | |
| Other services..... | | 43 | | | | | | | | | | | | |
| Supplies and materials..... | | 8 | | | | | | | | | | | | |
| Equipment..... | | 98 | | | | | | | | | | | | |
| Land and structures..... | | | | | | | | | | | | | | |
| Total program workyears and obligations changes requested, 1993..... | 8 | 843 | | | | | | | | | | | | |

**Immigration and Naturalization Service
Salaries and Expenses**

**Financial Analysis - Program Changes
(Dollars in thousands)**

| Item | Emp Labor Rel | | Training | | Reduction for Data & Comm | | Equipment Info & Records | | Intelligence | | Coner & Eng | |
|---|---------------|--------|----------|--------|---------------------------|--------|--------------------------|--------|--------------|--------|-------------|--------|
| | Poa. | Amount | Poa. | Amount | Poa. | Amount | Poa. | Amount | Poa. | Amount | Poa. | Amount |
| Grades | | | | | | | | | | | | |
| GS/CM-16 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS/CM-14 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS/CM-13 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS-12 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS-11 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS-9 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS-7 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS-6 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GS-4 | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Federal Law Enforcement pay costs | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Total positions and annual rate | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Lapses (-) | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Other personnel compensation | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Total workyears and personnel compensation | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Personnel benefits | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Travel and transportation of persons | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| GSA rent | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Comm., utilities, and misc charges | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Other services | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Supplies and materials | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Equipment | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Land and structures | | 100 | | 100 | | 100 | | 100 | | 100 | | 100 |
| Total program workyears and obligations changes requested, 1993 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 |

**Immigration and Naturalization Service
Salaries and Expenses**

Financial Analysis - Program Changes

| Item | (Dollars in Thousands) | | | | | | | | | | TOTAL | |
|---|------------------------|--------|-------------------------|--------|------|--------|------------|--------|------|--------|-------|----------|
| | Field Maint | | Reduction for Equipment | | | | Admin Serv | | Pos. | Amount | | |
| | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | | | | |
| | | | | | | | | | | | | |
| Guides | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | 987 |
| GS/GM - 18 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 62 | 3,511 |
| GS/GM - 14 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 5 | 240 |
| GS/GM - 13 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 66 | 2,981 |
| GS - 12 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 30 | 1,009 |
| GS - 11 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 292 | 6,116 |
| GS - 9 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 162 | 3,060 |
| GS - 7 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 16 | 293 |
| GS - 6 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 | 33 |
| GS - 4 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Federal Law Enforcement pay costs | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 600 |
| Total positions and annual rate | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 636 | 20,210 |
| Lapses (-) | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | (476) | (16,276) |
| Other personnel compensation | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 14 | 591 |
| Total workyears and personnel compensation | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 174 | 9,626 |
| Personnel benefits | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2,194 |
| Travel and transportation of persons | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2,439 |
| GSA rent | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 4,803 |
| Comm., utilities, and misc charges | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 875 |
| Other services | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 16,078 |
| Supplies and materials | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 945 |
| Equipment | ... | (69) | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1,487 |
| Land and structures | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1,800 |
| Total program workyears and obligations changes requested, 1983 | ... | (9) | ... | ... | ... | ... | ... | ... | ... | ... | 174 | 35,514 |

**Immigration and Naturalization Service
Building and Facilities
Status of Construction and Summary of New Facilities Requirements
(in thousands of dollars)**

| Project | Budget Request or Appropriation | | | | Total | | Current Status | | Expected Completion Date | Estimated Activation Date | | |
|---|---------------------------------|---------|--|---------|---------|---------|----------------|---------|--------------------------|--|------------------|-------------|
| | Planning and Site Acquisition | | New Construction or Expansion to Existing Facilities | | Total | | Cost | | | | | |
| | Year | Amount | Year | Amount | Funding | Actual | Est. or Obl. | In Debt | | | Stage of Program | |
| 1. Under construction or fully funded: | | | | | | | | | | | | |
| 1. Temecula, CA Traffic Checkpoint | 1987-88 | \$380 | 1988 | \$1,800 | \$1,800 | \$1,800 | \$1,800 | | \$1,800 | Reimb. Agreement with DOT | 8/92 | 8/92 |
| 2. Modification of Topographical Features (Southern Border) | 1988 | \$400 | 1988-89 | \$3,719 | \$4,119 | \$4,119 | \$4,119 | | \$3,827 | Under Construction | 12/92 | 12/92 |
| 3. Aguadilla, PR BPO (Phase I) | 1989 | \$610 | 1989 | \$1,800 | \$2,110 | \$2,110 | \$2,110 | | \$2,110 | Completed | Completed | Anticipated |
| 4. El Paso, TX BPO - Asset Fortification | 1991 | \$548 | 1991 | \$1,822 | \$1,822 | \$2,070 | | | ... | Procurement Design | 12/94 | 1/95 |
| 5. El Centro, CA BPO - Asset Fortification | 1991 | \$79 | 1991 | \$4,194 | \$4,272 | \$4,272 | \$4,272 | | \$4,180 | Funded | 11/93 | 12/93 |
| 6. Florence, AZ BPO - Asset Fortification | 1991 | \$798 | 1992 | \$3,109 | \$3,905 | \$3,905 | \$3,905 | | \$3,880 | Funded ESR Master Plan design 155 Beds | 9/93 | *10/93 |
| 7. Ft. Isabel, TX BPO | 1989 | \$48 | 1989-90 | \$650 | \$48 | \$698 | \$48 | | \$48 | Design Only Construction Funds not available | | |
| 8. Corpus Christi, TX BPO | 1989-90 | \$315 | 1989-90 | \$650 | \$650 | \$650 | \$650 | | \$315 | Design | 2/93 | 3/93 |
| 9. Brownsville, CA** BPO | 1989 | \$1,034 | 1991-92 | \$3,832 | \$4,866 | \$4,866 | \$4,866 | | \$1,034 | Design | 10/89 | 11/89 |
| 10. Yuma, TX BPO | 1989-90 | \$449 | 1989-91 | \$1,000 | \$1,449 | \$1,449 | \$1,449 | | \$1,048 | In Construction | 3/92 | 4/92 |

| Project | Budget Request or Appropriation | | | | Total Current Cost Est. or Actual | Current Status Jan. 1981 | Expected Completion Date | Estimated Activation Date |
|--|---------------------------------|--|--------|--------|-----------------------------------|--------------------------|--------------------------|---------------------------|
| | Planning and Site Acquisition | New Construction or Expansion to Existing Facilities | Field | Amount | | | | |
| Year | Amount | Year | Amount | Year | Year | Year | Year | Year |
| I. Under construction or fully funded (continued): | | | | | | | | |
| 11. San Clemente, CA Chesapeake | 1981 \$10,000 | 1982-83 \$22,000 | | | \$32,000 | \$10,000 | Under Review by CALTRANS | 8/88 |
| 12. Krome, FL BPC | 1981 \$700 | 1981-83 \$8,300 | | | \$9,000 | -- | Procurement of Design | 12/84 |
| 13. Alpine, TX Traffic Chesapeake | 1981 \$81 | 1981 \$113 | | | \$194 | -- | Under Study | |
| 14. Marathon, TX Traffic Chesapeake | 1981 \$81 | 1981 \$113 | | | \$194 | -- | Under Study | |
| 15. El Centro, CA BPC (Mortgage) | 1982 -- | 1982 \$3,487 | | | \$3,487 | -- | Transfer Funds from BCP | |
| II. Planned Facilities: | | | | | | | | |
| 1. Laredo, TX BPC | 1984 \$360 | 1985 \$2,040 | | | \$2,400 | -- | Under Study | 4/87 |
| II. Under Consideration: | | | | | | | | |
| 1. Boston, MA BPC | 1984 \$70 | 1985 \$68 | | | \$78 | -- | Under Study | |
| 2. Reproduction of Valkyrie Street BPC | 1984 -- | 1985 \$817 | | | \$817 | -- | Under Study | |
| 3. Nogales, AZ BPC | 1984 \$330 | 1985 \$1,570 | | | \$2,000 | -- | Under Study | |
| 4. Housing - BP Presidio, TX | 1984 -- | 1985 \$800 | | | \$800 | -- | Under Study | |
| 5. Bridge BPC Campes, CA | 1984 -- | 1985 \$1,186 | | | \$1,186 | -- | Under Study | |

* Site acquisition was done with funds made available from Immigration Reform and control Act.

Immigration and Naturalization Service

Salaries and expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. The House Appropriations Committee Report relating to the Department of Justice Appropriations Act, 1992 (House Report No. 102-106), requires the Department to provide a report on INS's plans to reinstate citizen by-pass. A report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee.
2. The Senate Report relating to the Department of Justice Appropriations Act, 1992 (Senate Report 102-106), requires INS to immediately hire and maintain sufficient inspectors to comply with the 45-minute standard. The Committee directs INS to immediately develop and implement an effective plan, within 30 days after the enactment of this bill, to satisfy the 45-minute Immigration inspection standard. In addition, INS is required to report monthly to the Committee on progress to reach authorized staffing levels for inspectors and the success rates of the plan in meeting the 45-minute standard at each airport. The initial report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee. Monthly reports will be submitted as required beginning February, 1992.
3. The House Appropriations Committee Report relating to the Department of Justice Appropriations Act, 1992 (House Report No. 102-106), directs INS to provide quarterly reports, beginning 30 days after the enactment of this bill, on efforts in meeting the processing standard, and if the standards are not being met, what steps are being taken to meet them. A quarterly report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee.
4. The Senate Report relating to the Department of Justice Appropriations Act, 1992, directs INS to review staffing procedures with a view toward replicating the successes of New York and Miami and report back regarding the nationwide results of these efforts. A report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee.
5. The Conference Report (To accompany H.R. 2608) relating to the Department of Justice Appropriation Act, 1992, directs INS, along with the FAA and other affected agencies, to initiate the negotiation process for the preinspection program with the United Kingdom by January 30, 1992. The conferees agreed that the implementation goal for this program should be September 30, 1992. INS is to submit quarterly reports on the status of negotiations, beginning January 30, 1992. A status report will be prepared by January 30, 1992.
6. Public Law 99-591, October, 1986, Section 205, requires INS to submit a report to the Congress concerning the status of the Immigration User Fee Account, including any balance therein, recommend any adjustment in the prescribed fee that may be required to ensure that the receipts collected from the fee charged for the succeeding two years equal, as closely as possible, the cost of providing these services. The Immigration User Fee Account Report, for the FY ending 1991, will be submitted to the Appropriations Committees by March 31, 1992.

7. The House Appropriations Committee Report relating to the Department of Justice Appropriations Act, 1992 (House Report No. 102-106), requires INS to prepare a report identifying actions taken to expand INS's capability to detain and deport illegal aliens engaged in drug trafficking in the metropolitan area of Portland, Oregon. The report is in the final stages of development within INS. Expected submission date is March, 1992.
8. The Conference Report (To accompany H.R. 2608) requires INS to examine the possibility of developing a system for tracking arrival/departure records (Form I-94) and to report to the Committee on its feasibility and estimated cost. A report will be submitted by February 1, 1992.
9. The Conference Report (To accompany H.R. 2608) directs INS to expand the Pilot Parole Program or develop a new parole program, working especially to alleviate the problems which have been experienced at Krome Processing Center in Florida. INS is directed to report to Congress on the success of the parole project and of efforts to ameliorate past obstacles to implement the program effectively. The report will be submitted to the Appropriations Committee by September 30, 1992.
10. The House Appropriations Committee Report relating to the Department of Justice Appropriations Act, 1992 (House Report No. 102-106), directs INS to work assiduously to implement plans for providing automation and related support for the processing of applications for legalization, adjudications, naturalization, and other benefits. The Committee directs INS to submit a status report which includes: (1) a description of current procedures and related costs for INS processing of applications for services and benefits, including the role of regional processing and service centers; and (2) a description of plans to provide service-wide data entry and support services for application processing, to include a timetable and cost estimates for implementation. A report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee.
11. The Senate Report relating to the Department of Justice Appropriation Act, 1992, directs the Department of Justice to report to the Committee on the status of the INS reorganization at the regional level, particularly with regard to the number of employees and the level of their service. A report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee.
12. Public Law 100-489, October 1988, requires that the Attorney General prepare and submit annually to Congress statements of financial condition of the Immigration Examinations Fee Account, including beginning account balance, revenues, withdrawals, and ending account balance and projections for the ensuing fiscal year. A report has been prepared by INS and transmitted to the Department of Justice for final review, prior to transmittal to the Committee.
13. The Conference Report (To accompany H.R. 8021) Section 210. (a) Section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1386), as amended, requires the Attorney General to prepare and submit annually to the Congress a statement of the financial condition of the Immigration User Fee Account including beginning account balance, revenues, withdrawals, and their purpose, ending balance, projections for the ensuing fiscal year and a full and complete workload analysis showing on a port-by-port basis the current and projected need for inspectors. The statement shall indicate the success rate of the INS in meeting the 45-minute inspection standard and shall provide detailed statistics regarding the number of passengers inspected within the standard, progress that is being made to expand the utilization of United States citizen by-pass, the number of passengers for whom the standard is not met and the length of their delay. Location breakdown of these statistics and the steps being taken to correct any non-conformity. The reporting requirement will be included

in INS's Annual Report on the Immigration User Fee Account, due March 31 of each year.

14. The Conference Report (To accompany H.R. 5021) Section 210. (a) Section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1386), as amended, requires the Attorney General to prepare and submit statements of financial condition of the Land Border Inspection Fee Account, including beginning account balance, revenues, withdrawals, and ending account balance and projections for the ensuing fiscal year. The reporting requirements will be included in INS's Annual Report on the Land Border Inspection Fee Account, due March 31 of each year.

15. The Conference Report (To accompany H.R. 5021) Section 210. (a) Section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1386), as amended, directs the Attorney General to prepare and submit on a quarterly basis, until September 30, 1993, a status report on the land border inspections pilot project. Expected submission date for the next quarterly report will be March, 1992.

Immigration and Naturalization Service

Salaries and expenses

Priority Rankings

| Base Program | | Program Increase | |
|------------------------------------|---------|------------------------------|---------|
| Program | Ranking | Program | Ranking |
| Inspections | 1 | Detention and Deportation | 1 |
| Border Patrol | 2 | Construction and Engineering | 2 |
| Investigations | 3 | Border Patrol | 3 |
| Detention and Deportation | 4 | Investigations | 4 |
| Anti-Smuggling | 5 | Legal Proceedings | 5 |
| Intelligence | 6 | | |
| Training | 7 | | |
| Information and Records Management | 8 | | |
| Legal Proceedings | 9 | | |
| Employer and Labor Relations | 10 | | |
| Data and Communications | 11 | | |
| Construction and Engineering | 12 | | |
| Administrative Services | 13 | | |
| Executive Direction and Control | 14 | | |
| Field Management and Support | 15 | | |
| Research and Development | 16 | | |

Immigration and Naturalization Service
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 | | Program Increase | 1993 | |
|--|--------------------|---------------|---------------------------------|---------------------|---------------------------------|---------------|
| | | Entered | Adjustment in Perm. Position | | Adjustment in Perm. Position | Total |
| Category | | | | | | |
| Attorneys (808) | 309 | 309 | 0 | 0 | 0 | 309 |
| Paralegal Specialist (805) | 8 | 8 | 0 | 0 | 0 | 8 |
| Other Legal and Kindred (800-809) | 491 | 491 | 0 | 0 | 0 | 491 |
| Central Representative (802) | 279 | 279 | 0 | 0 | 0 | 279 |
| General Enforcement & Support (1000-1009) | 545 | 545 | 0 | 0 | 0 | 545 |
| Immigration Officer (1001) | 272 | 272 | 0 | 0 | 0 | 272 |
| Detention and Deportation Officer (1001) | 273 | 273 | 0 | 0 | 0 | 273 |
| Detention Enforcement Officer (1002) | 1,540 | 1,540 | 0 | 0 | 0 | 1,540 |
| Criminal Investigators (1011) | 940 | 940 | 0 | 0 | 0 | 940 |
| Immigration Inspectors (1016) | 4,229 | 4,229 | 0 | 0 | 0 | 4,229 |
| Border Patrol Agents (1048) | 21 | 21 | 0 | 0 | 0 | 21 |
| Other Miscellaneous Occupations (201-209) | 23 | 23 | 0 | 0 | 0 | 23 |
| Social Sciences, Economics and Kindred (1100-1109) | 214 | 214 | 0 | 0 | 0 | 214 |
| Personnel Management (200-209) | 1,878 | 1,878 | 0 | 0 | 0 | 1,878 |
| General Administration and Clerical (200-209) | 1,878 | 1,878 | 0 | 0 | 0 | 1,878 |
| Accounting and Budget (200-209) | 148 | 148 | 0 | 0 | 0 | 148 |
| Medical, Dental and Public Health (800-799) | 2 | 2 | 0 | 0 | 0 | 2 |
| Engineering and Architecture (800-809) | 2 | 2 | 0 | 0 | 0 | 2 |
| Information and Arts Group (1000-1009) | 45 | 45 | 0 | 0 | 0 | 45 |
| Business and Industry Group (1100-1109) | 53 | 53 | 0 | 0 | 0 | 53 |
| Physical Sciences Group (1200-1209) | 4 | 4 | 0 | 0 | 0 | 4 |
| Mathematics and Statistics Group (1300-1309) | 29 | 29 | 0 | 0 | 0 | 29 |
| Equipment Facilities and Services (1600-1609) | 9 | 9 | 0 | 0 | 0 | 9 |
| Education Group (1700-1799) | 19 | 19 | 0 | 0 | 0 | 19 |
| Supply Group (2000-2099) | 64 | 64 | 0 | 0 | 0 | 64 |
| Border Patrol Pilot (2101) | 79 | 79 | 0 | 0 | 0 | 79 |
| Transportation (2100-2109) | 12 | 12 | 0 | 0 | 0 | 12 |
| Other (990) | 215 | 215 | 0 | 0 | 0 | 215 |
| Total | 12,221 | 12,221 | 0 | 0 | 0 | 12,221 |
| Washington | 876 | 876 | 0 | 0 | 0 | 876 |
| U.S. Field | 11,345 | 11,345 | 0 | 0 | 0 | 11,345 |
| Total | 12,221 | 12,221 | 0 | 0 | 0 | 12,221 |

Immigration and Naturalization Service
Salaries and Expenses
Schedule of Motor Vehicles

| Method of Acquisition and Type of Vehicle | 1980 End-of- Year Inventory | 1981 | 1982 | 1983 | End-of-Year |
|--|-----------------------------------|--------------|--------------|--------------|--------------|
| | | Acquired | Disposed | Disposed | End-of-Year |
| Direct Purchase: | | | | | |
| Large sedan | 1,312 | 184 | (194) | 1,312 | 1,203 |
| Medium sedan | 825 | 10 | (10) | 825 | 800 |
| Compact sedan | 822 | ... | ... | 822 | 822 |
| Subcompact sedan | 294 | ... | ... | 294 | 294 |
| Station Wagon | 29 | ... | ... | 29 | 29 |
| Van (42) | 1,178 | 189 | (118) | 1,186 | 1,132 |
| Van (42) | 1 | ... | ... | 1 | 1 |
| Truck 42 LBL | 16 | ... | ... | 16 | 16 |
| Truck 42 LBL | 897 | 278 | (184) | 978 | 978 |
| Bus, International | 64 | ... | ... | 64 | 64 |
| Bus, School Type | 26 | ... | ... | 26 | 26 |
| Special Purpose: | | | | | |
| Comptrol, 42 | 200 | 200 | (200) | 200 | 200 |
| Other | 130 | 12 | (12) | 130 | 130 |
| Trucks: | | | | | |
| Pick-up 42 | 243 | 12 | (12) | 243 | 243 |
| Pick-up 42 | 87 | ... | ... | 87 | 87 |
| Subtotal purchased | 9,098 | 831 | (814) | 9,098 | 9,098 |
| Leased: | | | | | |
| Large sedan | ... | ... | ... | ... | ... |
| Other | ... | ... | ... | ... | ... |
| Subtotal Leased | | | | | |
| Acquired Forfeited Bureau: | | | | | |
| Large sedan | ... | 22 | ... | 22 | 41 |
| Medium sedan | ... | 22 | ... | 22 | 87 |
| Other | ... | 72 | ... | 72 | 130 |
| Subtotal forfeited | | 116 | ... | 116 | 258 |
| Total Vehicles | 9,098 | 1,637 | (814) | 9,831 | 9,354 |
| | | Acquired | Disposed | Disposed | End-of-Year |
| | | 604 | 116 | 6 | 1,203 |
| | | 116 | 6 | 12,220 | 822 |
| | | ... | ... | 17,816 | 294 |
| | | 16 | ... | 24,186 | 1,132 |
| | | ... | ... | 24,227 | 1 |
| | | 16 | ... | 16,439 | 16 |
| | | 183 | ... | 17,154 | 978 |
| | | ... | ... | 270,444 | 64 |
| | | ... | ... | 91,088 | 26 |
| | | 63 | ... | 20,170 | 200 |
| | | ... | ... | 22,843 | 130 |
| | | 127 | ... | 10,843 | 243 |
| | | ... | ... | 13,258 | 87 |
| | | 1,029 | ... | 841,799 | 9,114 |
| | | 76 | ... | ... | 117 |
| | | 4 | ... | ... | 81 |
| | | ... | ... | ... | 130 |
| | | 90 | ... | ... | 258 |
| | | 1,143 1/2 | ... | 41,799 | 9,490 |

1/ Of these 1,146 vehicles, 260 are non-passenger carrying vehicles (trucks and vans) and are, therefore, exempt from the appropriation language limitations.

Immigration and Naturalization Service
Salaries and Expenses
Schedule of Aircraft

| Method of Acquisition and Type of Aircraft | 1980 End-of- Year Inventory | 1981 | | 1982 | | 1983 | |
|---|-----------------------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|
| | | Acquired | Discarded End-Of-Year | Acquired | Discarded End-Of-Year | Acquired | Discarded End-Of-Year |
| Direct Purchase: | | | | | | | |
| Fixed Wing: | | | | | | | |
| Single engine | 42 | ... | (13) | 4 | (5) | ... | (5) |
| Two engine | 1 | ... | ... | 1 | ... | ... | ... |
| Turbo prop | 1 | ... | ... | ... | ... | ... | ... |
| Helicopter: | | | | | | | |
| Single engine | 22 1/2 | ... | ... | 18 2/2 | ... | ... | ... |
| Subtotal purchased | 66 | ... | (13) | 20 | (5) | 17 3/4 | (10) |
| Seized or no cost excess: | | | | | | 17 | (15) |
| Borrowed: | | | | | | | |
| Fixed Wing: | | | | | | | |
| Single engine | 3 | 2 | ... | ... | ... | ... | ... |
| Two engine | 3 | 6 | ... | ... | ... | ... | ... |
| Turbo prop | 3 | 2 | ... | ... | ... | ... | ... |
| Subtotal leased | 9 | 10 | ... | ... | ... | ... | ... |
| Helicopter: | | | | | | | |
| Single Engine | ... | 18 | ... | 18 | ... | ... | ... |
| Subtotal Borrowed | ... | 18 | ... | 18 | ... | ... | ... |
| Total Aircraft | 74 | 38 | (13) | 38 | (5) | 17 | (15) |

Border Patrol Air Operations:

- 1/ 18 acquired from DOD as excess - loaned to INS and all later date were given to the Service.
 2/ 18 acquired from DOD as excess - loaned to INS and all later date were given to the Service.
 3/ 18 acquired from DOD as excess - loaned to INS and all later date were given to the Service.

Explanation:

Border Patrol Air Operations

The Border Patrol Air Operations is currently in a state of change, from predominately airplanes to predominately helicopters. This change necessitates having some idle aircraft until the new fleet configuration is accomplished.

The aircraft in the Border Patrol inventory are spread throughout the Nation, to cover as much of the border as possible. Flight hours are contingent upon the pilots available, money for fuel, and weather conditions.

Currently Border Patrol aircraft are under a flight hours restriction due to lack of funding for fuel. The Border Patrol pilot force has been reduced in the last few years, also restricting the number of flight hours.

The last two fiscal years the Border Patrol has had 15 aircraft grounded. These aircraft were unsuitable for Border Patrol needs and are to be replaced by helicopters. The Border Patrol inventory also has a number of helicopter airframes acquired from the military as excess. These airframes are to be used as replacements and for parts as the need arises. There are approximately eight airframes awaiting excess from the fleet

Detention and Deportation Air Transport

The INS Headquarters Detention and Deportation Air Transport Branch has the mission of transporting aliens, most of which are criminal aliens, between points of apprehension, detention, and deportation in the United States. Certain missions are flown outside of the continental United States such as the Cuban repatriation missions.

The Air Transport Branch flew 1,852 flight hours with 8 aircraft in 1991, transporting 5,564 aliens, including 194 Cuban aliens repatriated to Havana, Cuba. The average age of the 8 aircraft in the Air Transport Branch inventory is 23 years, making them difficult to maintain. To meet its air transportation requirements, INS also uses the U. S. Marshals Service National Prisoner Transportation System, the National Guard and commercial airlines.

Immigration and Naturalization Service

Salaries and expenses

Justification of Adjustments to the Base (Dollars in thousands)

Work-
Pos. Year Amount
... .. \$8,300

Transfers in the estimates:

1. Transfer from Special Foretune Fund for Border Patrol Helicopters

The increase to the Border Patrol air program is an essential element in maintaining control of the border. The Patrol depends on aircraft surveillance, tracking and rapid response to senior alerts in assessing the agents on the ground. Aircraft are also critically needed to cover miles of border area which would not otherwise be routinely patrolled due to the distance and slow response time when traveling on the ground. The Border Patrol urgently needs to begin an aircraft replacement program for the current fleet of OH-6A military helicopters. The required funding will be used to fully support the helicopter flight program as outlined below.

Purchase of 6 Helicopters @ \$900K each \$ 4,500,000
Purchase of Avionics - 6 Helicopters @ \$160 each \$ 960,000
Total \$ 5,300,000

The Border Patrol cannot continue to rely upon the Department of Army excess rotary-wing equipment for operational requirements. The parts supportability for military helicopters (OH-6A's) continues to decline. The Border Patrol logs more flight hours on this type of helicopter than any single agency, including current military usage by the Army Air National Guard. The military has decided to phase out the use of the OH-6A's by 1988. The Border Patrol must begin a helicopter fleet replacement program with parts-supportable aircraft.

2. Transfer from Special Foretune Fund for Border Patrol Replacement Vehicles

3. Advance Appropriation from Asset Foretune Fund Capital Surplus for Border Patrol Replacement Vehicles
4. Advance Appropriation from Asset Foretune Fund Capital Surplus for Border Patrol and Investigations program vehicles (New)
NIS engages in activities that require the use of motor vehicles for patrolling the immediate border, traffic checks on highways, transporting detained aliens, undercover surveillance, investigative activities, performing inspections at ports-of-entry, and providing administrative and logistical support for operational activities. The lack of resources necessary to maintain a reasonable vehicle replacement cycle results in increased operational and maintenance costs, reduced efficiency, and continues to jeopardize the safety of officers on the line. 100 new vehicles will support the 200 new Border Patrol positions; and 28 new vehicles will support the 84 new investigations positions.

5. Advance Appropriation from Asset Foretune Fund Capital Surplus for Computer Assisted Dispatch and Reporting Enhancement (CADRE)

The CADRE system, providing sensor and dispatch functions, has been installed in the El Paso Border Patrol Sector. A properly functioning CADRE system is necessary to support the Border Patrol with the capability to analyze intrusion detection sensor input and assist radio dispatch operations. CADRE will enable NIS to make full use of the sensors buried along the border. The current system is a personal computer based system which has proven inadequate due to user requirements and workload which exceeds the software and hardware capabilities. The CADRE system provides a direct link between agents on line and the operations center, and is essential for officer safety.

6. Advance Appropriation from Asset Foretune Fund Capital Surplus for Office Automation

The Office Automation and Access project, completed in 1981, defines the basic platform of equipment, networks, and communication links to support access to and use of automated systems. Accomplishments include a contract that was implemented in 1988 to support software development and maintenance necessary of NIS, acquisition of additional equipment to a 9 employees to benefit from automation, and significant progress in bringing together major systems so

that information can be readily shared. Despite a great deal of recent progress, many INS field offices still have inadequate local automation capability because (1) there is insufficient equipment, (2) the equipment is old, or (3) the equipment and automation tools that are in place have been tied to specific system initiatives rather than provided through an integrated office-wide (and Service-wide) approach. This uncoordinated approach has introduced inconsistencies and incompatibilities in hardware, software and local telecommunications platforms. Limited automation capability hinders the timely processing of routine office workload and makes the ADP operation, maintenance, and training tasks more difficult and more expensive. During 1992, a competitive procurement of automation platforms will be conducted based on the documented requirements of INS offices. This acquisition approach will allow the Service to begin a 5 year program to modernize the Service's ADP hardware infrastructure. This basic platform of automation tools for INS offices provides the essential base for implementation of the Information Architecture System, which will modernize the Service's automated systems.

7. Advance Appropriation from Asset Forfeiture Fund Capital Surplus for Information Architecture..... \$2,500

INS's Information and Architecture study completed in 1991, provides a framework for improving, designing and developing an agency information system. In the past, automated systems developed in support of INS programs have often been planned and implemented through independent system-oriented initiatives rather than through a single, integrated Service-wide automation approach. The need for an architecture plan to serve as the framework for the modernization and consolidation of systems has been recognized by INS for several years and recently reiterated by the General Accounting Office (GAO) and the Department of Justice. Implementation of the Information Architecture plan will involve and improve virtually all aspects of the INS mission and operations. The first priority is the development of the Master Alien Record (MAR) which will be the base for virtually all other systems development within INS, such as the Enforcement Case Tracking System (ENCATS). The MAR will replace the Central Index System and certain portions of the Alien Field Accountability and Control System, as well as eliminate the need for most hard-copy files. This will provide the Service with faster access to alien file information; faster inclusion of new information; lower storage and handling costs; and improve management information and decision making for all INS programs. The requested increase to extend application software systems to INS field sites and to implement required planning, management and systems integration activities supports INS mission accomplishment Service-wide. All INS priority programs are dependent upon increased productivity through the effective use of automation. Introduction of appropriate and effective automated systems to INS offices will make those offices better able to perform their work. This will ultimately result in an improved image of the Service and a workforce more capable of performing its mission.

Total transfers..... 24,460

Adjustments in permanent positions and workload..... (07) (07) ...

This decrease annualizes the 268 positions and 265 workyears cut in 1992 because of the required absorption of unfunded costs from the Federal Law Enforcement Pay Reform Act and the General Pay Reform Act.

Mandatory Increases:

1. 1992 Pay Annualization..... 6,618
This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$ 9,251,000 pay and \$ 1,397,000 benefits).
2. 1993 Pay Rate..... 21,013
This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$ 21,013,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$ 16,575,000 for pay and \$ 4,437,000 for benefits = \$ 21,013,000).
3. Annualization of 268 additional positions approved in 1992..... 129 7,634
This provides for the annualization of 268 additional positions approved by Congress for 1992.
Inspections - 135 positions, Border Patrol - 44 positions
Detention and Deportation - 79 positions

| | Approved 1992 Increase | Annualization Required |
|--|---------------------------|---------------------------|
| Annual salary rate of 250 approved positions..... | \$4,812 | ... |
| Other personnel compensation..... | 1,632 | 91,839 |
| Leave Lapse (50%)..... | (3,409) | 3,409 |
| Net Compensation..... | 4,939 | 8,048 |
| Associated employee benefits..... | 1,615 | 1,279 |
| Total P8 and B costs subject to annualization..... | 6,562 | 6,324 |
| GSA rent..... | 661 | 661 |
| Communications..... | 267 | 268 |
| Supplies and materials..... | 448 | 301 |
| Total costs subject to annualization..... | 7,908 | 7,534 |

4. Federal Law Enforcement Pay Reform Act of 1990..... \$3,847
The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic pay and benefits provisions, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes only annualization of costs for mandatory items in the Act for the final quarter of the year. The total cost of the Act is for \$34,844,000; of this amount we are absorbing \$25,837,000 for a net increase of \$9,007,000.
5. General Pay Reform Act Annualization..... 1,722
The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS, 5, 7, and 9 Federal employees occupying two-grade interval occupational series and locally comparable pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Also included in the request are the costs for these items unfunded in 1992. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rates and costs-of-living increases. No increases are requested for discretionary allowances.
6. Special Pay Rates..... 1,839
This request provides increases as authorized by law in 5 U.S.C. §303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 78 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991.
7. Fair Labor Standards Act (FLSA)..... 0
Effective June 2, 1991, the same method used to compute FLSA for FLBA-covered employees who worked regularly scheduled overtime will also be used for those who work irregular and occasional overtime (i.e., paid absences will be counted as time worked). An increase of \$,000 in employee compensation is required based on the actual increase of what should have been paid.
8. Accident Compensation..... 1,211
This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$1,211,000 over the base.
9. Unemployment Compensation - Increase..... 203
This request provides for the additional costs necessary in 1993 for the Department to continue payment of Unemployment Compensation to Federal employees. This increase is based on the most recent complete annual billing for the Department provided by the Department of Labor and is a result of the increase in the number of Department employees. Based on actual billings, an increase in the amount of \$203,000 is needed.

| | | | |
|---|-----|-----|---------|
| 10. Health Benefits..... | ... | ... | \$2,876 |
| The Federal Employees Health Benefits Act (P.L. 93-249) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$ 2,876,000 provides funds for actual increased costs from pay period 1 to pay period 2 of 1991 projected for a full year. | | | |
| 11. Federal Insurance Contributions Act (FICA)..... | ... | ... | 188 |
| Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$ 54,480 to \$ 57,480. This increase of \$ 188,000 is computed based on the increase in the base rate. | | | |
| 12. Travel - Mileage..... | ... | ... | 36 |
| The Travel Expense Amendment Act of 1976, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 26 cents. This increase provides \$36,000 for this change in allowance. | | | |
| 13. General Services Administration (GSA) Rent..... | ... | ... | 10,406 |
| GSA will continue to charge rental rates that approximate those charges to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has allowed an overall 10.43 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$ 10,406,000 provides for the actual increase over the expected 1992 billing level. | | | |
| 14. JUST..... | ... | ... | 152 |
| The JUST system is a telecommunications system which provides data transmission as well as access to the National Crime Information Center. The connectivity charge reflects tariff charges that users must pay to American Telephone and Telegraph and its companies. The mandatory covers the increase of this charge from the present level of \$165 to \$253 per terminal per month. | | | |
| 15. Postage..... | ... | ... | 84 |
| The United States Postal Service anticipates an increase in first class rates from 29 cents to 30 cents in early FY 1992. This increase of \$ 84,000 provides for a 3.4 percent increase above FY 1990 actual usage for first class postage. | | | |
| 16. Government Printing Office (GPO) and Department Printing..... | ... | ... | 100 |
| GPO is currently projecting a 4 percent increase over the 1992 printing costs. The Department is also projecting a 4 percent increase over the 1992 duplicating costs. An additional \$ 150,000 will be required in 1993 for printing done either by GPO or the Department's duplicating facilities. | | | |
| 17. Employee Data and Payroll Services..... | ... | ... | 188 |
| Centralized employee data and payroll services are provided to all Departmental organizations except the Federal Bureau of Investigation. A 5 percent increase is needed to stay current with inflationary increases and cost increases due to expanded user support associated with growth of Departmental employment, programs and payroll/personnel systems use. Federal human resource management initiatives and the Federal Employee Pay Comparability Act are causing expanded use of departmental information systems. Expanding systems use is causing increased costs of processing personnel and payroll data. An increase of \$ 188,000 will be required in 1993. | | | |
| 18. GSA Recurring Reimbursable Services..... | ... | ... | 2 |
| Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. Increase amounts by organization vary based on anticipated actual billings. This request for \$ 2,000 includes a Departmental redistribution that more accurately spreads the current resources. | | | |
| 19. General Pricing Level Adjustments..... | ... | ... | 2,854 |
| This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. | | | |
| Total uncontrollable increases..... | ... | 126 | 63,731 |
| | | | 67 |

| | | |
|--|------|----------|
| Decreases (Automatic non-policy): | | |
| 1. One Less Compensable Day..... | .. | (82,371) |
| The annual salary rate for Federal employees is based on 260 paid days. 1983 has one less compensable day (261) than 1982 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes (\$1,870,000) for pay and (\$581,000) for benefits. | | |
| 2. Nonrecurring costs for new positions approved in 1982..... | .. | (2,498) |
| Nonrecurring costs for 268 positions received in 1982. These are nonrecurring costs of full-field investigations, personnel equipment and transfers approved in the Inspections, Border Patrol, and Detention and Deportation programs in 1982. | | |
| Total decreases..... | .. | (4,869) |
| Total, adjustments to the base..... | (87) | 86,322 |

**Investment and Management Service
Salaries and Expenses
Summary of Salaries by Grade and Other Class
(Column in thousands)**

| | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | 1994 Estimate | |
|--|-----------------------|------------|-----------------------|------------|-----------------------|------------|-----------------------|------------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and other classes | | | | | | | | |
| Executive Level IV, \$113,140 | 1 | | 1 | | 1 | | 1 | |
| GS-5, \$108,360 | 1 | | 1 | | 1 | | 1 | |
| GS-4, \$104,680 | 12 | | 12 | | 12 | | 12 | |
| GS-3, \$99,000 | 3 | | 3 | | 3 | | 3 | |
| GS-2, \$94,320 | 4 | | 4 | | 4 | | 4 | |
| GS-1, \$89,640 | 12 | | 12 | | 12 | | 12 | |
| OS/OTM - \$1, 949,230 - \$2,540 | 117 | | 117 | | 118 | | 118 | |
| OS/OTM - \$1, 654,897 - \$2,097 | 564 | | 564 | | 564 | | 564 | |
| OS/OTM - \$1, 343,314 - \$1,679 | 412 | | 412 | | 409 | | 409 | |
| OS-12, \$24,841 - \$2,116 | 817 | | 817 | | 803 | | 803 | |
| OS-11, \$21,420 - \$2,112 | 1,399 | | 1,399 | | 1,423 | | 1,423 | |
| OS-10, \$20,211 - \$2,367 | 45 | | 45 | | 45 | | 45 | |
| OS-9, \$18,790 - \$2,435 | 4,319 | | 4,319 | | 4,346 | | 4,346 | |
| OS-8, \$17,342 - \$1,543 | 112 | | 112 | | 112 | | 112 | |
| OS-7, \$15,986 - \$1,476 | 911 | | 911 | | 1,077 | | 1,077 | |
| OS-6, \$14,713 - \$1,484 | 923 | | 923 | | 923 | | 923 | |
| OS-5, \$13,604 - \$1,494 | 1,240 | | 1,240 | | 1,241 | | 1,241 | |
| OS-4, \$12,608 - \$1,371 | 749 | | 749 | | 742 | | 742 | |
| OS-3, \$11,822 - \$1,365 | 385 | | 385 | | 385 | | 385 | |
| OS-2, \$11,295 - \$1,372 | 32 | | 32 | | 32 | | 32 | |
| OS-1, \$11,470 - \$1,354 | 2 | | 2 | | 2 | | 2 | |
| Ungraded positions | 215 | | 205 | | 206 | | 206 | |
| 1991 pay increase | | | | | | | | |
| Total, appropriate of positions | 13,221 | \$997,412 | 13,110 | \$943,795 | 13,795 | \$981,429 | 13,795 | \$981,429 |
| Pay above stated actual rate | | 1,491 | | 3,497 | | 1,237 | | 1,237 |
| Lapses | (1,240) | (41,951) | (975) | (37,489) | (1,232) | (39,891) | (1,232) | (39,891) |
| Surplus due to lower pay scales for part of year | | (2,234) | | (2,211) | | (2,212) | | (2,212) |
| Net full-time personnel | 10,841 | \$953,116 | 11,223 | \$908,291 | 11,427 | \$940,756 | 11,427 | \$940,756 |
| Other than personnel: | | | | | | | | |
| Full-time personnel | 172 | 4,243 | 172 | 5,239 | 172 | 5,735 | 172 | 5,735 |
| Temporary employment | 206 | 7,799 | 246 | 9,516 | 246 | 9,646 | 246 | 9,646 |
| Other part-time and intermittent employment | 295 | 4,438 | 313 | 5,423 | 313 | 5,423 | 313 | 5,423 |
| Other personnel compensation | | | | | | | | |
| Overtime | 887 | 19,794 | 887 | 18,616 | 888 | 19,419 | 888 | 19,419 |
| Administratively unacceptable conditions | 764 | 45,595 | 764 | 46,715 | 764 | 46,598 | 764 | 46,598 |
| Other compensation | 1,305 | 14,815 | 1,305 | 11,844 | 1,305 | 12,776 | 1,305 | 12,776 |
| 1991 Adm. Cost line | 298 | 12,227 | 342 | 13,714 | 342 | 13,344 | 342 | 13,344 |
| Special personnel services personnel | | 599 | | 599 | | 599 | | 599 |
| Total, workyears and personnel compensation | 14,624 | \$463,716 | 14,443 | \$413,689 | 14,779 | \$431,191 | 14,779 | \$431,191 |
| Average GS Salary | | (\$49,244) | | (\$49,371) | | (\$49,383) | | (\$49,383) |
| Average OS/OTM Salary | | (\$11,557) | | (\$12,643) | | (\$12,777) | | (\$12,777) |
| Average OS/OTM Grade | | (18.26) | | (18.35) | | (18.44) | | (18.44) |

Immigration and Naturalization Service
Services and expenses
Summary of Requirements by Object and Object Class
(Dollars in thousands)

| Object Class | 1981 Actual Amount | 1982 Estimate Amount | 1983 Request Amount | Previous Years Amount |
|---|-----------------------|-------------------------|------------------------|--------------------------|
| 11.1 Full-time permanent..... | 11,072 | 11,235 | 11,437 | 508 |
| 11.2 Other than full-time permanent..... | 673 | 780 | 780 | 780 |
| 11.3 Other personnel compensation..... | 4,380 | 4,440 | 4,474 | 14 |
| 11.4 Special personnel service payments..... | 509 | 500 | 509 | 3,688 |
| Total..... | 16,135 | 16,445 | 16,681 | 5,190 |
| Reimbursable employees: | | | | |
| Full-time permanent..... | 6,818 | 6,853 | 6,828 | 843 |
| Other than permanent..... | (741) | (484) | (442) | (118) |
| 12 Personnel benefits..... | 118,538 | 128,808 | 148,511 | 18,708 |
| 13 Benefits to former personnel..... | 880 | 881 | 880 | 880 |
| 21 Travel and transportation of persons..... | 19,857 | 20,070 | 22,077 | 2,007 |
| 22 Transportation of things..... | 2,382 | 3,000 | 1,430 | 1,283 |
| 23.1 OMA rent..... | 41,881 | 42,000 | 88,340 | 18,310 |
| 23.2 Rental payments to others..... | 8,008 | 8,000 | 8,910 | (183) |
| 23.3 Communications, utilities and miscellaneous charges..... | 31,283 | 32,000 | 33,205 | 1,185 |
| 24 Printing and reproduction..... | 1,709 | 2,000 | 4,019 | 2,019 |
| 25 Other services..... | 168,616 | 185,786 | 191,862 | 11,288 |
| 26 Supplies and materials..... | 38,944 | 37,600 | 38,880 | 1,280 |
| 31 Equipment..... | 12,887 | 31,448 | 81,264 | 18,918 |
| 32 Land and structures..... | 404 | 10,100 | 11,887 | 1,887 |
| 48 Insurance claims and indemnities..... | 287 | 300 | 58 | (174) |
| 49 Interest and dividends..... | 2 | 55 | 1 | 54 |
| 44 Refunds..... | 14 | 55 | 49 | 55 |
| 51 Unallocated..... | 14 | 55 | 49 | 55 |
| Total obligations..... | 16,135 | 16,445 | 16,681 | 5,190 |
| Unobligated balance, start-of-year..... | 8,782 | 8,859 | 8,859 | 8,859 |
| Unobligated balance, end-of-year..... | 8,859 | 8,859 | 8,859 | 8,859 |
| Unobligated balance, end-of-year..... | 88 | 88 | 88 | 88 |
| Total requirements..... | 24,959 | 25,303 | 25,540 | 24,048 |
| Revelation of obligations to outlays: | | | | |
| Total obligations..... | 881,348 | 904,888 | 1,088,577 | 1,088,577 |
| Outlays, start-of-year..... | 228,072 | 284,813 | 331,881 | 331,881 |
| Outlays, end-of-year..... | 228,072 | 284,813 | 331,881 | 331,881 |
| Adjustments in expired accounts..... | (14,353) | (14,353) | (14,353) | (14,353) |
| Outlays..... | 213,719 | 270,460 | 317,528 | 317,528 |

Note: This exhibit differs slightly from the data presented in the President's budget due to limited technical adjustments.

Department of Justice
Immigration and Naturalisation Service
Immigration Emergency Fund
Estimates for Fiscal Year 1993
Table of Contents

| | Page Number |
|------------------------------|----------------|
| Summary Statement..... | 1 |
| Summary of Requirements..... | 2 |

Immigration and Naturalization Service

Immigration Emergency Fund

Summary Statement

Fiscal Year 1993

The Immigration Emergency Fund, authorized by the Immigration Reform and Control Act of 1986 and funded by Public Law 101-162, provided \$35,000,000 in funding for possible emergencies in Border Patrol and other enforcement activities, and for reimbursement to States and localities for assistance in meeting an Immigration emergency, subject to Presidential determination and Congressional notification. The Immigration Act of 1986 provides authorization for the Attorney General to make available up to \$20,000,000 of the Immigration Emergency Fund available to States and localities when the following provisions of the law are met: (1) an INS District Director certifies to the Commissioner that the number of asylum applications exceeds the number filed during the preceding quarter by at least 1,000; (2) the lives, property, safety, or welfare of the residents of a State or locality are endangered; or (3) in other circumstances as determined by the Attorney General. Thus far, no emergencies have been declared and the balance of the initial appropriation is expected to remain unobligated through the end of 1993.

Immigration and Naturalization Service

Immigration Emergency Fund

Summary of Requirements

(Dollars in thousands)

| | 1991 Actual | 1992 Estimate | 1993 Estimate |
|---|-------------|---------------|---------------|
| Financing: | | | |
| Unobligated balance available, start of year..... | -\$35,000 | -\$35,000 | -\$35,000 |
| Unobligated balance available, end of year..... | 35,000 | 35,000 | 35,000 |
| Budget authority (appropriation)..... | ... | ... | ... |
| Obligations..... | ... | ... | ... |
| Outlays..... | ... | ... | ... |

Department of Justice
Immigration and Naturalization Service
Immigration Legalisation Fee Account
Estimates for Fiscal Year 1993

Table of Contents

| | Page Number |
|--|----------------|
| Summary Statement..... | 1 |
| Crosswalk of 1992 Changes..... | 2 |
| Summary of Requirements..... | 3 |
| Summary of Resources by Program..... | 5 |
| Justification of Program and Performance | |
| Adjudications and Naturalization..... | 6 |
| Data and Communications Systems..... | 7 |
| Information and Records Management..... | 9 |
| Construction and Engineering..... | 11 |
| Legal Proceedings..... | 12 |
| Detail of Permanent Positions by Category..... | 13 |
| Justification of Adjustments to the Base..... | 14 |
| Summary of Requirements by Grade and Object Class..... | 15 |

Immigration and Naturalization Service

Immigration Legalization

Summary Statement

Fiscal Year 1993

The Immigration Reform and Control Act of 1986, P.L. 99-603, Title II, Sections 201-204, established a program that provided temporary resident status to aliens who entered the United States illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provided for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1982. The Immigration Act of 1990 provided a one-year extension of the deadline for filing applications for adjustment from temporary to permanent residents.

The processing of the majority of applications for permanent resident status was completed in 1991, with the remainder to be completed in 1992 and 1993. Appeals of denials will also continue into 1993. The Service is requesting a low level of staffing in 1993, 14 positions, to address the limited processing workload and the appeals. Sufficient carryover resources will exist to fund the ongoing costs of this level of activity. By the end of 1992 the Legalization Offices will all be closed. The Legalization Regional Processing Facilities have been merged into the INS Service Centers within the Examinations program. The Legalization component of these centers will be phased out as work is completed, and remaining resources, such as equipment, will be used to improve the processing of ongoing casework at the centers.

Several class action suits relating to the Legalization program are pending in the courts. Depending on the outcome, these cases could generate limited additional processing in 1992 and beyond. Since the outcome of these cases is unknown, no additional resources are being requested. However, the additional receipts from filing fees would cover any costs incurred as a result of a court mandated extension of the program.

Action by the Congress on the Department of Justice Appropriations Act, 1992, made excess Legalization program resources available to the Office of Special Counsel for Immigration-Related Unfair Employment Practices. The Immigration and Nationality Act of 1982 (8 U.S.C. 1258a(c)(7)), as amended, was further amended by inserting after subsection (B) a new subsection as follows: "(C) Immigration-Related Unfair Employment Practices. --Not to exceed \$1,000,000 of the unobligated balances remaining in the account established in subsection (B) shall be available in fiscal year 1992 and each fiscal year thereafter for grants, contracts, and cooperative agreements to community-based organizations for outreach programs, to be administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices." This request includes \$1,000,000 for the Office of Special Counsel for outreach programs in 1993.

**Immigration and Naturalization Service
Immigration Legislation
Consent of 1982 Changes
(Dollars in thousands)**

| Activity/Program | 1982 President's Budget Request | | | Congressional Appropriation Actions on 1982 Request | | | Reprogramming | | | 1982 Appropriation Anticipated | | |
|--|---------------------------------|-----|---------|---|-----|-----|---------------|-----|-----|--------------------------------|-----|----------|
| | Pos. | NY | Am. | Pos. | NY | Am. | Pos. | NY | Am. | Pos. | NY | Am. |
| 1. Citizenship and Benefits | 20 | 20 | \$1,248 | ... | ... | ... | ... | ... | ... | 20 | 20 | \$10,800 |
| a. Acquisition and Naturalization..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 2. Immigration Support | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| a. Data and Communications Systems..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1,787 |
| b. Information and Records Management..... | 3 | 3 | 184 | ... | ... | ... | ... | ... | ... | 3 | 22 | 1,062 |
| c. Intelligence..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| d. Construction and Engineering..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1,200 |
| e. Field Management and Support..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| f. Legal Proceedings..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Subtotal..... | 3 | 3 | 184 | ... | ... | ... | ... | ... | ... | 3 | 24 | 4,104 |
| 3. Program Direction | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| a. Executive Direction and Control..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| b. Administrative Services..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Subtotal..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total, INS..... | 25 | 25 | 1,842 | ... | ... | ... | ... | ... | ... | 25 | 108 | 14,966 |
| Total, Office of Special Counsel..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total..... | 25 | 25 | 1,842 | ... | ... | ... | ... | ... | ... | 25 | 108 | 17,766 |

Consentual Appropriation Actions. House and Senate actions on the 1982 Appropriations Bill include an additional \$3 million over INS's 1982 request for the specific purpose of supporting the activities of the Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Immigration and Naturalization Service

Immigration Legalization

Summary of Requirements
(Dollars in thousands)

| | 1981 Actual | 1992 Estimate | 1993 Estimate |
|--|-------------|---------------|---------------|
| Financing | | | |
| Unappropriated balance, start-of-year..... | \$39,408 | \$39,503 | \$9,506 |
| Receipts..... | 17,393 | | |
| Total available for appropriation..... | 56,801 | 39,503 | 9,506 |
| Appropriation..... | -29,299 | -17,995 | -4,222 |
| Unappropriated balance available, end-of-year..... | 28,503 | 8,508 | 4,286 |
| Obligations by program | | | |
| Citizenship and Benefits: | | | |
| Adjudications and Naturalization..... | 12,139 | 10,800 | 1,222 |
| Immigration Support: | | | |
| Data and Communications..... | 10,496 | 1,757 | ... |
| Information and Records Management..... | 3,972 | 1,062 | ... |
| Intelligence..... | 876 | ... | ... |
| Construction and Engineering..... | 9,928 | 1,200 | ... |
| Field Management and Support..... | 394 | ... | ... |
| Legal Proceedings..... | 444 | 186 | ... |
| Subtotal..... | 22,114 | 4,195 | ... |
| Program Direction: | | | |
| Executive Direction and Control..... | 211 | ... | ... |
| Administrative Services..... | 851 | ... | ... |
| Subtotal..... | 1,062 | ... | ... |
| Total obligations, INS..... | 35,315 | 14,995 | 1,222 |
| Total obligations, Office of Special Counsel..... | ... | 3,000 | 3,000 |
| Total obligations..... | 35,315 | 17,995 | 4,222 |

Immigration and Naturalization Service

Immigration Legislation

Summary of Requirements
(Dollars in thousands)

| Adjustments to base: | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|--------------------|-----------------|------------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. Pos. | Work- WY Amount | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount |
| 1992 as requested..... | 25 | 106 | 25 | 106 | 25 | 106 | 25 | 106 |
| Mandatory increases..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Decreases (automatic, non-policy)..... | -11 | -92 | -11 | -92 | -11 | -92 | -11 | -92 |
| 1993 base..... | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 |
| Estimates by budget activity..... | 20 | 82 | 14 | 14 | 14 | 14 | 14 | 14 |
| 1. Citizenship and Benefits..... | 8 | 24 | ... | ... | ... | ... | ... | ... |
| 2. Immigration Support..... | ... | ... | ... | ... | ... | ... | ... | ... |
| 3. Program Direction..... | ... | ... | ... | ... | ... | ... | ... | ... |
| 4. Office of Special Counsel..... | 25 | 106 | 14 | 14 | 14 | 14 | 14 | 14 |
| Total..... | 25 | 106 | 14 | 14 | 14 | 14 | 14 | 14 |

**Intelligence and Information Service
Intelligence Legislation
Summary of Resources by Program
(Others in Rows)**

| | 1981-82 Expected | | | 1981 Actual | | | 1982 Appropriation | | | 1982 Base | | | 1983 Estimate | | | Increase/Decrease | | |
|---|------------------|-----|----------|-------------|-----|----------|--------------------|-----|----------|-----------|----|---------|---------------|----|---------|-------------------|----|-------|
| | Perm. | NY | Asst. | Perm. | NY | Asst. | Perm. | NY | Asst. | Perm. | NY | Asst. | Perm. | NY | Asst. | Perm. | NY | Asst. |
| Estimates by Program | | | | | | | | | | | | | | | | | | |
| Citizenship and Benefits: | | | | | | | | | | | | | | | | | | |
| Adjudications and Naturalization..... | 37 | 291 | \$14,987 | 37 | 247 | \$12,139 | 20 | 88 | \$10,800 | 14 | 14 | \$1,222 | 14 | 14 | \$1,222 | .. | .. | .. |
| Investigation Support: | | | | | | | | | | | | | | | | | | |
| Data and Communications Systems..... | 17 | 40 | 10,800 | 17 | 33 | 10,488 | .. | .. | 1,797 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Information and Records Management..... | 69 | 88 | 4,118 | 69 | 88 | 3,972 | 5 | 22 | 1,062 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Intelligence..... | 16 | 19 | 799 | 16 | 21 | 878 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Construction and Engineering..... | 4 | 4 | 8,018 | 4 | 5 | 8,008 | .. | .. | 1,200 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Field Management and Support..... | 6 | 6 | 244 | 6 | 10 | 344 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Legal Proceedings..... | 6 | 6 | 861 | 6 | 8 | 545 | 2 | 2 | 189 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Subtotal..... | 118 | 174 | \$2,340 | 118 | 163 | \$2,114 | 28 | 24 | 4,196 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Program Director: | | | | | | | | | | | | | | | | | | |
| Executive Director and Control..... | 6 | 6 | 347 | 6 | 4 | 211 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Administrative Services..... | 18 | 18 | 1,051 | 18 | 22 | 851 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Subtotal..... | 24 | 24 | 1,398 | 24 | 26 | 1,062 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Total IHS: | 178 | 488 | \$4,336 | 178 | 436 | \$4,318 | 28 | 108 | 14,095 | 14 | 14 | 1,222 | 14 | 14 | 1,222 | .. | .. | .. |
| Office of Special Counsel..... | .. | .. | .. | .. | .. | .. | .. | .. | 3,000 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Total obligations..... | 178 | 488 | \$4,336 | 178 | 436 | \$4,318 | 28 | 108 | 17,095 | 14 | 14 | 4,222 | 14 | 14 | 4,222 | .. | .. | .. |
| Total FTE Workyears: | | | | | | | | | | | | | | | | | | |
| | 488 | | | 436 | | | 108 | | | 14 | | | 14 | | | .. | | .. |
| Overtime: | | | | | | | | | | | | | | | | | | |
| Other..... | 20 | | | 20 | | | 12 | | | 8 | | | 8 | | | .. | | .. |
| Total compensable workyears..... | 618 | | | 488 | | | 118 | | | 18 | | | 18 | | | .. | | .. |

Immigration and Naturalization Service
Immigration Legalization
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Citizenship and Benefits

| | 1992 Appropriation | | 1992 Base | | 1992 Estimate | | Increase/Decrease | | | | | | |
|--------------------------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|---------|-----|-----|-----|-----|
| | Anticipated | Perm. | Pos. | NY Amount | Pos. | NY Amount | Perm. | Perm. | | | | | |
| | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount | | | | | |
| Adjudications and Naturalisation.... | 30 | 82 | \$10,800 | 14 | 14 | \$1,222 | 14 | 14 | \$1,222 | ... | ... | ... | ... |

Long Range Goal: To receive, process, review and subject to final action all applications and appeals related to denied applications submitted for temporary and permanent resident status under the Immigration Legalization program, authorized by the Immigration Reform and Control Act of 1986, P.L. 99-603, Title II, Sections 201-204.

Major Objectives:

Operate temporary legalization offices in key locations throughout the country to receive applications for permanent resident status.

Operate four regional processing centers to receive completed applications from legalization offices, review and approve or deny the applications.

Complete processing of appellate and residual cases.

Base Program Description: On May 8, 1987, the legalization offices began accepting legalization applications from aliens. Applications were reviewed and interviews of aliens and alien families were conducted. If aliens appeared legal, then applicants were recommended for approval and work authorization cards were issued. Voluntary agencies were paid a fee by the INS for assisting aliens in completing their application packages and in scheduling processing through INS offices.

After INS accepted an alien's application for temporary residence, final approval was reserved until name, fingerprint and other security checks could be made. These checks were made through the regional processing facilities. If the application was approved, a temporary resident card was issued. Fraud profiles were developed and matched against incoming alien applications. To the extent possible, fingerprint checks with the FBI and State law enforcement officials were done on a tape to tape match. Data entry has been a major cost item at these regional processing facilities. The process of converting temporary residents to permanent residency requires a similar procedure.

Adjudications staff at the regional processing facilities have reviewed all recommended denials and sampled the recommended approvals. During 1990, the regional processing facilities were merged with the Adjudications Service Centers where the legalization review function continues to be performed.

Currently, eight of the 107 legalization offices remain open. These offices are in "key city" areas such as Los Angeles, Miami, New York City, and Houston, where a substantial workload remains and could not be absorbed by the District Offices or sub-offices. All other workload has been integrated within District Office and sub-office activities. Consistent with the phasedown of the legalization program, the 1992 workyear level has been decreased to 106, and the remaining legalization offices are scheduled to close by the end of the fiscal year.

Accomplishments and Workload:

The processing of applications for permanent resident status will, with the exception of a few residual cases, be completed in 1992. Processing of appeals of denials will continue into 1993. Total resources of 14 positions, 14 workyears and \$1,222,000 are required in 1993 to process actions on appeals of denials.

The workload for the Immigration Legalization program is presented in the following table:

| Item | 1990 | | 1991 | | 1992 Estimates | |
|---|-------|-----------|---------|-----------|----------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Applicants adjusted to temporary resident status..... | | 49,473 | 24,084 | 13,600 | 3,900 | |
| Applicants for permanent resident status..... | | 619,738 | 152,043 | 62,850 | 10,000 | |
| Applicants adjusted to permanent resident status..... | | 823,704 | 216,545 | 89,000 | 30,000 | |

Workload figures are based on planning assumptions which take into consideration the completion of the temporary resident phase of the program and residual workload resulting from the deadline extension imposed by the Immigration Act of 1990.

Activity: Immigration Support

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| <u>Anticipated</u> | | | | | | | | |
| Data and Communications | ... | \$1,757 | ... | ... | ... | ... | ... | ... |
| Information and Records Mgt. | 3 | 1,052 | ... | ... | ... | ... | ... | ... |
| Construction and Engineering. | ... | 1,200 | ... | ... | ... | ... | ... | ... |
| Legal Proceedings..... | 2 | 186 | ... | ... | ... | ... | ... | ... |
| Total..... | 5 | 4,195 | ... | ... | ... | ... | ... | ... |
| <u>1992 Appropriation.</u> | | | | | | | | |
| <u>Anticipated</u> | | | | | | | | |
| Data and Communications ... | ... | \$1,757 | ... | ... | ... | ... | ... | ... |

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Data and Communications ... | ... | ... | ... | ... | ... | ... |

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a

comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronics equipment and systems required by the INS to support its law enforcement functions; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Provide high speed data and communications systems support for the various offices to support the application receipt, review and decision making processes.

Integrate the Legalization Applications Processing System (LAAPS) into the Computer Linked Applications Information Management System (CLAIMS) as part of the phase down of the Legalization program.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems.

Provide office automation support for word processing, local tracking, analysis, and electronic mail.

Provide an effective maintenance program and equipment replacement and upgrade schedule to ensure effective continuity of operation of data, communications and electronics capabilities.

Data Program Description: The function of this program is to provide direct support to the Legalization program in the areas of ADP, communications and electronics systems. This includes: (1) improving the effectiveness and efficiency of service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; (3) maintaining the cost effective production and issuance of secure alien identification cards; and (4) providing radio communications and telephone call handling.

Accomplishments And Workload:

The software already developed and in operation to support the program was monitored and maintained for continued use in the Legalization program and the Family Fairness program.

Continued contractual technical support for the Legalization program was provided. Legalization Applications Processing system support continued at the Department of Justice Data Center as well as data entry and processing at the Regional Processing Facilities. "Help Desk" support continued for legalization processing.

Hardware maintenance support was provided for all Legalization Offices and Regional Processing Facilities.

The Immigration Card Facility in 1991 produced and issued 544,196 alien registration receipt cards (I-551).

In 1991, attention was directed to closing of 22 additional Legalization Offices and merging the Regional Processing Facilities with the INS Service Centers within the four regions.

LAPS will continue to operate through the end of the program, including any additional period that may be required as a result of pending litigation. As part of the phase down, LAPS will be integrated into CLAIMS. As the Legislation Offices are closed and operations moved, additional re-engineering of circuits will be carried out as a planned part of the phase down. In addition, all circuits have been converted to FTS 2000 as required in the government-wide conversion to this system.

| 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|--------------------|----|-----------|------|---------------|--------|-------------------|----|
| Anticipated | | Perm. | | Perm. | | Perm. | |
| Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY |

Information and Records Mgmt.... 3 22 \$1,052

Long-Range Goals: To provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including the provisions and initiatives in the Immigration Reform and Control Act (IRCA). Administer Service-wide Information Services and Records programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as, state and local governments seeking the status of aliens under the provisions of the Immigration and Nationality Act. Ensure the reliability of automated and manual data generated by INS information systems (contractor and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.

Major Objectives:

- Provide reliable and accurate information and records support for the various offices so that information needed for the review of legalization applications is correct and provided in such a way that processing is expedited.
- Ensure Service-wide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).
- Ensure Service-wide compliance with the Paperwork Reduction Act of 1980, as amended.
- Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions.
- Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries received from the public within 15 minutes, and all written inquiries received from the public within 30 days.
- Maintain a reliable and accessible Nationwide Reform Act "800" telephone information service.
- Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from the public, INS operating components, state and local governments, law enforcement agencies, and other Federal government agencies.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, processing and retrieval.

Improve the control, accountability and availability of INS records through increased training, technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate and timely issuance of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement and ensure timeliness, quality and completeness of all INS statistical data.

Develop, analyze, and publish timely, high-quality immigrant and non-immigrant statistics in annual statistical yearbooks, special bulletins, and reports for policy making at agency and Congressional levels.

Establish and maintain liaison with Federal and state agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Base Program Description: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, state and Federal agencies, and the various branches of government, by telephone, in-person, and in writing; (2) maintain alien records and files from which data may be readily obtained to respond to requests from both in and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and (6) monitor and ensure internal compliance to standards for systems and service delivery.

Accomplishments and Workload:

The Information and Records Management Program continues to provide essential support for the Legalization program. Records personnel provided contract administration for data entry and records support at the processing facilities. The contract continued into 1991 and included activities related to the transition period during which the Regional Processing Facilities are being combined with the Service Centers that support ongoing adjudications processing.

The "800" Telephone Information System has been maintained and upgraded as needed to provide callers with timely and accurate information concerning major phases of the program. In 1990 the "800" system was accessed by over one million callers. In 1991, 750,000 "800" system contacts were made.

A significant number of Freedom of Information Act/Privacy Act (FOIA/PA) requests have been processed for the Legalization program. In 1991, 12,439 FOIA/PA requests were processed. Because of the statutory restrictions on the disclosure of legalization records, FOIA/PA requests frequently result in denials which lead to appeals. In 1991, the level of FOIA/PA activity declined from the 1990 workload level which reflects the phasedown of the program.

The processing of applicants for permanent resident status will be completed in 1993. Appeals of denials will also continue into 1993. The Information and Records Management program will complete any work related to application processing and appeals using resources allocated to the program under the Examinations Fee Account during 1993.

The major workload items for the Information and Records Management program are presented in the following table:

| Item | 1990 | | 1991 | | Estimates | |
|-------------------------------------|-------|-----------|-------|-----------|-----------|------|
| | Perm. | NY Amount | Perm. | NY Amount | 1992 | 1993 |
| Alien files opened..... | ... | 87,341 | ... | 43,476 | ... | ... |
| General searches completed..... | ... | 637,942 | ... | 236,471 | ... | ... |
| Information services inquiries..... | ... | 917,264 | ... | 491,236 | 400,000 | ... |

1992 Appropriation Anticipated

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|----------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Construction and Engineering ... | \$1,200 | ... | ... | ... | ... | ... |

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration Reform and Control Act.

Major Objectives:

Procure, alter and maintain effective, safe, energy conserving, and attractive facilities.

Base Program Description: The function of this program is to provide for the alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the service is the leasing agency. Space is acquired through the General Services Administration (GSA) by lease.

Accomplishments and Workload:

In the establishment of the Legalization program, Construction and Engineering personnel worked with the GSA to locate and procure adequate space to establish local legalization program offices and four regional processing facilities. The program's involvement has continued in actions related to modifications of existing offices and in the closing of legalization program offices during the phase down of the program. The merging of the four regional processing facilities with the Service Centers in the Adjudications program was completed

in 1991. With the end of the permanent resident application phase in 1992, all remaining Legalization program offices will be closed.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/decrease | |
|------------------------|--------------------|-------------|-----------|------|---------------|------|-------------------|------|
| | Perm. | Anticipated | Perm. | Est. | Perm. | Est. | Perm. | Est. |
| | Fed. | NY | Fed. | NY | Fed. | NY | Fed. | NY |
| Legal Proceedings..... | 2 | 2 | \$186 | ... | ... | ... | ... | ... |

Long Range Goal: To provide legal representation for the United States Government in legalization cases and matters arising before Immigration Judges and the Board of Immigration Appeals; represent INS in other legalization related administrative hearings; provide legal advice and support to INS personnel; and represent INS in cases being tried in the Federal courts.

Major Objectives:

Represent the Service before administrative bodies and Federal courts in litigation involving all aspects of the Legalization program.

Base Program Description: INS attorneys represent the Service before Immigration Judges and the Board of Immigration Appeals. The program provides support in agency litigation being conducted in United States District courts, Courts of Appeals, and the Supreme Court. Attorneys advise the Central Office, regional commissioners and district directors on legalization matters.

Accomplishments and Workload:

This activity has been and remains important since several pending cases could have the effect of extending the program to allow a relatively small group of aliens to submit applications. Litigation continued into 1992 in a small number of significant cases.

Legal support to the Legalization Appeals Unit and the Headquarters Legalization Office will continue. This support will be provided at a lower level of effort in view of the phase down of the program.

The processing of applications for permanent resident status will be completed in 1993. Appeals of denials will be completed primarily in 1992, with a portion continuing into 1993. The Legal Proceedings program will address these appeals in 1993 with resources committed to support of the Adjudications and Naturalization program within the Examinations Fee Account.

Immigration and Naturalization Service

Immigration Legalization

Detail of Permanent Positions by Category (1)

Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Authorized | 1993 | |
|--|--------------------|--------------------|-----------|-------|
| | | | Decreases | Total |
| Attorneys (905)..... | 6 | 2 | -2 | ... |
| Contact Representative (982)..... | 69 | 5 | -3 | ... |
| Criminal Investigators (1811)..... | 5 | ... | ... | ... |
| Immigration Inspectors (1816)..... | 9 | ... | ... | ... |
| General Administrative and Clerical (300 - 399)..... | 74 | 20 | -6 | 14 |
| Physical Sciences Group (1300 - 1399)..... | 13 | ... | ... | ... |
| Total..... | 175 | 25 | -11 | 14 |
| Washington..... | 17 | 4 | ... | 4 |
| U.S. Field..... | 158 | 21 | -11 | 10 |
| Total..... | 175 | 25 | -11 | 14 |

(1) This exhibit provides detail of reimbursable positions not portrayed in the salaries and expenses budget.

Immigration and Naturalization Service

Immigration Legalization

Justification of Adjustments to the Base (Dollars in thousands)

| | Work - YEAR | Amount |
|---|----------------|--------|
| Mandatory Increases: | | |
| 1. General Pay Reform Act Annualization | | |
| The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS, 5, 7, and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Also included in the request are the costs for these items unfunded in 1992. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rate and cost-of-living increases. No increases are requested for discretionary allowances. | | \$30 |
| 2. General Pricing Level Adjustments | | |
| This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. | | 5 |
| Total uncontrollable increases | | 35 |
| Decreases (Automatics not reduced): | | |
| 1. Nonrecurring Decreases | (11) | (498) |
| The decrease contained in the budget request are related to the continuing phase down of the Immigration Legalization Program. | | |
| Total decreases | (11) | (498) |
| Total, adjustments to the base | (11) | (460) |

Immigration and Naturalization Service
Immigration Legislation
Summary of Requirements by Grade and Offset Class
(Dollars in thousands)

| | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease Position & Workyears Amount |
|---|-------------------------|------------|-------------------------|------------|-------------------------|------------|---|
| | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount | |
| Grades and salary ranges | | | | | | | |
| ES-1, \$60,000..... | 1 | ... | ... | ... | ... | ... | ... |
| GS/GM-13, \$64,235-\$83,802..... | 5 | ... | ... | ... | ... | ... | ... |
| GS/GM-14, \$64,607-\$70,987..... | 18 | ... | 2 | ... | 2 | ... | ... |
| GS/GM-15, \$66,510-\$80,070..... | 18 | ... | ... | ... | ... | ... | ... |
| GS-12, \$39,861-\$50,516..... | 11 | ... | ... | ... | ... | ... | ... |
| GS-11, \$32,423-\$42,188..... | 32 | ... | 20 | ... | 10 | ... | -10 |
| GS-9, \$28,798-\$34,338..... | 4 | ... | ... | ... | ... | ... | ... |
| GS-7, \$21,908-\$26,488..... | 38 | ... | 3 | ... | 2 | ... | -1 |
| GS-6, \$18,713-\$23,828..... | 26 | ... | ... | ... | ... | ... | ... |
| GS-5, \$17,696-\$22,998..... | 16 | ... | ... | ... | ... | ... | ... |
| GS-4, \$16,608-\$20,851..... | 7 | ... | ... | ... | ... | ... | ... |
| 1993 pay rates..... | | | | | | | |
| Total, positions..... | 178 | \$8,043 | 28 | \$821 | 14 | \$82 | -11 |
| Pay above stated annual rates..... | ... | 18 | ... | 6 | ... | 2 | -4 |
| Lapses..... | 8 | ... | ... | ... | ... | ... | ... |
| Savings due to lower pay scales for part of year..... | ... | -28 | ... | -8 | ... | -8 | ... |
| Net full-time permanent..... | 183 | \$8,073 | 53 | \$819 | 14 | \$89 | -11 |
| Other than permanent: | | | | | | | |
| Temporary employment..... | 283 | \$8,998 | 81 | 2,786 | ... | ... | -81 |
| Other personnel compensation: | | | | | | | |
| Overtime..... | 30 | 1,182 | 12 | 408 | 6 | 183 | -7 |
| Special personnel services payments..... | ... | 211 | ... | 20 | ... | ... | -20 |
| Total, workyears and personnel compensation..... | 488 | 13,441 | 118 | 4,010 | 19 | 712 | -99 |
| Average ES salary..... | | (\$83,059) | | (\$89,289) | | (\$92,093) | |
| Average GS/GM salary..... | | (\$36,509) | | (\$33,009) | | (\$39,219) | |
| Average GS/GM grade..... | | (10.97) | | (10.78) | | (10.85) | |

**Immigration and Naturalization Service
Immigration Legislation
Summary of Projections by Study and Object Class
(Values in thousands)**

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | 1994 Estimate | | 1995 Estimate | |
|---|-------------|--------|---------------|--------|---------------|--------|---------------|--------|---------------|--------|
| | Workforce | Amount | Workforce | Amount | Workforce | Amount | Workforce | Amount | Workforce | Amount |
| 11.1 Full-time permanent..... | 189 | 64,079 | 25 | 6,119 | 14 | 6,449 | 11 | 6,779 | 11 | 6,779 |
| 11.2 Other than permanent..... | 253 | 8,998 | 81 | 2,795 | 14 | 2,795 | 11 | 2,795 | 11 | 2,795 |
| 11.3 Other personnel compensation..... | 30 | 1,182 | 12 | 409 | 6 | 183 | 7 | 243 | 7 | 243 |
| 11.4 Special personnel services payments..... | ... | 211 | ... | ... | ... | ... | ... | ... | ... | ... |
| 11.5 Total, workforce and personnel compensation..... | 468 | 13,421 | 118 | 4,310 | 19 | 712 | 29 | 9,822 | 29 | 9,822 |
| 12 Personal benefits..... | 2,834 | 797 | 797 | 227 | 1 | 100 | 1 | 100 | 1 | 100 |
| 13 Benefits to former personnel..... | 44 | 191 | 109 | 100 | 1 | 100 | 1 | 100 | 1 | 100 |
| 21 Travel and transportation of personnel..... | 72 | 8,918 | 900 | 195 | 1 | 195 | 1 | 195 | 1 | 195 |
| 22 Transportation of things..... | 44 | 1,317 | 87 | 30 | 3 | 30 | 3 | 30 | 3 | 30 |
| 23.1 OMA rent..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 23.2 Rental payments to others..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 23.3 Communications, utilities and miscellaneous charges..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 24 Printing and reproduction..... | 53 | 12,098 | 12,098 | 3,010 | ... | 3,010 | ... | 3,010 | ... | 3,010 |
| 25 Other services..... | 479 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 |
| 26 Supplies and materials..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 31 Equipment..... | 529 | 17,893 | 17,893 | 4,322 | 19 | 4,322 | 19 | 4,322 | 19 | 4,322 |
| 31 Total obligations..... | 468 | 35,316 | 118 | 17,893 | 19 | 4,322 | 19 | 4,322 | 19 | 4,322 |
| Reduction of obligations to outlays: | | | | | | | | | | |
| Total obligations..... | 35,316 | 17,893 | 17,893 | 4,322 | | 4,322 | | 4,322 | | 4,322 |
| Adjustments in unexpired amounts..... | 8,017 | ... | ... | ... | | ... | | ... | | ... |
| Outlays..... | 27,299 | 17,893 | 17,893 | 4,322 | | 4,322 | | 4,322 | | 4,322 |

Department of Justice
Immigration and Naturalization Service
Immigration User Fee
Estimates for Fiscal Year 1993

Table of Contents

| | Page Number |
|--|----------------|
| Summary Statement..... | 1 |
| Crosswalk of 1992 Changes..... | 3 |
| Summary of Requirements..... | 4 |
| Summary of Resources by Program..... | 6 |
| Justification of Program and Performance | |
| Inspections..... | 7 |
| Investigations..... | 9 |
| Anti-Smuggling..... | 9 |
| Detention and Deportation..... | 11 |
| Refugees and Overseas..... | 12 |
| Training..... | 13 |
| Data and Communications..... | 13 |
| Intelligence..... | 17 |
| Construction and Engineering..... | 18 |
| Field Management and Support..... | 18 |
| Legal Proceedings..... | 19 |
| Executive Direction..... | 20 |
| Administrative Services..... | 21 |
| Financial Analysis - Program Changes..... | 23 |
| Detail of Permanent Positions by Category..... | 24 |
| Summary of Change..... | 25 |
| Justification of Adjustments to Base..... | 26 |
| Summary of Requirements by Grade and Object Class..... | 28 |

Immigration and Naturalization Service
Immigration User Fee Account

Summary Statement

Fiscal Year 1993

The Immigration and Naturalization Service is requesting \$215,982,000, 2,516 positions and 2,516 workyears for 1993 to provide Immigration Inspection services at air and sea ports-of-entry. The cost of this program is to be paid entirely from fees collected from individuals arriving in the United States aboard commercial aircraft or vessels from foreign locations. Based on estimated resource requirements for 1993, the fee for Immigration Inspection will remain at \$8.00 per person for 1993.

The Immigration User Fee Account was established in the 1987 Appropriations Act for the Department of Justice, (P.L. 99-591). Section 203 of the law directed the Attorney General, effective December 1, 1986, to charge and collect a \$8.00 user fee from each individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada and the adjacent islands). In the 1991 Appropriations Act, the Congress removed the fee exemption for the Canada, Mexico and the contiguous territories, and placed a 45-minute Immigration Inspection standard at air ports-of-entry. All fees are to be deposited in an Immigration User Fee account. The resources are to be used to provide Immigration Inspection services for commercial aircraft and vessels, administer debt collection activities, including the establishment and operation of a National Collections Office, expand and operate information systems for non-immigrant control and debt collection, detect fraudulent documents used by air and sea passengers traveling to the United States, provide detention and deportation services for excludable aliens arriving on commercial aircraft and vessels, and provide necessary support for operations to assure that the objectives of the programs are achieved.

Inspections Program

The 1993 request includes 248 positions, 124 workyears and \$11,448,000 to add Immigration Inspectors to the existing workforce, thereby advancing Service efforts to meet the 45-minute standard established by Congress in the 1991 Appropriations Act for the Department of Justice. In meeting this standard INS will improve service to the travelling public and eliminate most Immigration processing delays at major airports. This increase in staffing will also have a positive impact on international relations and international commerce by expediting entry into this country for foreign visitors and business persons.

Data and Communications Systems Program

The budget contains 4 positions, 2 workyears and \$3,800,000 for enhancement of data systems that support the Inspections function. These resources will be used to develop and implement an Advanced Passenger Inspection System (APIS) which will expedite passenger flow and support the achievement of the 45-minute inspection standard, and develop methods to electronically capture data from the INS Form I-94 for entry into the Non-Immigrant Information System (NIIS) database which will shorten the time required to enter data into the system and reduce the cost of data entry.

Legal Proceedings Program

An increase of \$21,000 is requested to augment supporting resources for existing personnel in the Legal Proceedings program. The Service has significantly increased overall activities in the area of debt collection, consistent with a government-wide priority to reduce waste, fraud and abuse in Federal programs. The increased resources requested will be used to provide additional support for the staff committed to debt collection activities by adding resources for travel, contractual support, supplies and limited overtime to enhance the efficiency and productivity of the program.

**Immigration and Naturalization Service
Immigration User Fee
Comparison of 1992 Changes
(Dollars in thousands)**

| Activity/Program | 1992 President's Budget Request | | | Reprogramming | | | 1992 Appropriation Anticipated | | |
|--|------------------------------------|-------|-----------|---------------|-----|-------|-----------------------------------|-------|-----------|
| | Pos. | NY | Am. | Pos. | NY | Am. | Pos. | NY | Am. |
| 1. Enforcement | | | | | | | | | |
| a. Inspections..... | 1,925 | 2,061 | \$123,351 | ... | ... | ... | 1,925 | 2,061 | \$123,351 |
| b. Border Patrol..... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| c. Investigations..... | 22 | 16 | 1,006 | ... | ... | ... | ... | ... | 1,006 |
| d. Anti-Smuggling..... | 27 | 26 | 1,720 | ... | ... | ... | 27 | 26 | 1,720 |
| e. Detention & Deportation..... | 137 | 118 | 30,282 | ... | ... | ... | 137 | 118 | 30,282 |
| Subtotal..... | 2,111 | 2,210 | 184,356 | ... | ... | ... | 2,111 | 2,210 | 184,356 |
| 2. Citizenship and Benefits | | | | | | | | | |
| a. Refugees & Overseas..... | ... | ... | 250 | ... | ... | ... | ... | ... | 250 |
| 3. Immigration Support | | | | | | | | | |
| a. Training..... | 8 | 8 | 502 | ... | ... | ... | 8 | 8 | 502 |
| b. Data & Communications..... | 27 | 27 | 26,112 | ... | ... | ... | 27 | 27 | 26,112 |
| c. Information & Records Management..... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| d. Intelligence..... | 24 | 17 | 1,568 | ... | ... | ... | 24 | 17 | 1,568 |
| e. Research & Development..... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| f. Construction & Engineering..... | 2 | 2 | 84 | ... | ... | ... | 2 | 2 | 84 |
| g. Field Management & Support..... | 4 | 4 | 247 | ... | ... | ... | 4 | 4 | 247 |
| h. Legal Proceedings..... | 28 | 26 | 1,600 | ... | ... | ... | 28 | 26 | 1,600 |
| Subtotal..... | 80 | 63 | 32,143 | ... | ... | ... | 80 | 63 | 32,143 |
| 4. Program Direction | | | | | | | | | |
| a. Executive Direction & Control..... | 3 | 3 | 200 | ... | ... | ... | 3 | 3 | 200 |
| b. Administrative Services..... | 41 | 41 | 2,650 | ... | ... | ... | 41 | 41 | 2,650 |
| Subtotal..... | 44 | 44 | 2,850 | ... | ... | ... | 44 | 44 | 2,850 |
| Total..... | 2,245 | 2,337 | 191,601 | 18 | 18 | 1,228 | 2,263 | 2,381 | 192,829 |

Reprogramming. The reprogramming of positions and budget authority reflects the permanent effect of the July 24, 1991, notification. In the narrative accompanying the notification it was stated that the increase in the Administrative Services program was permanent in nature and would carry into 1992.

Immigration and Naturalization Service

Immigration User Fee

Summary of Requirements
(Dollars in thousands)

| Adjustments to the base: | 1982 As Proposed | | | 1982 Base | | | 1983 Estimate | | | Increase/Decrease | | |
|--|------------------|-------|-----------|---------------|-------|-----------|---------------|-------|-----------|-------------------|-----|----------|
| | Perm. Pos. | NY | Amount | Perm. Pos. | NY | Amount | Perm. Pos. | NY | Amount | Perm. Pos. | NY | Amount |
| 1982 as requested..... | | | | | | | | | | | | |
| Mandatory increases..... | | | | | | | | | | | | |
| Decreases (automatic, non-policy)..... | | | | | | | | | | | | |
| 1982 base..... | 2,111 | 2,210 | \$182,229 | 2,111 | 2,257 | \$182,229 | 2,309 | 2,301 | \$178,204 | 248 | 124 | \$11,448 |
| 1. Enforcement..... | | | | | | | | | | | | |
| 2. Citizenship and Benefits..... | | | | | | | | | | | | |
| 3. Immigration Support..... | | | | | | | | | | | | |
| 4. Program Director..... | | | | | | | | | | | | |
| Total..... | 2,304 | 2,306 | \$182,229 | 2,304 | 2,300 | \$200,000 | 2,316 | 2,318 | \$218,902 | 202 | 128 | \$15,178 |

Immigration and Naturalization Service

Immigration User Fees

Summary of Requirements (Dollars in thousands)

| | 1991 Actual | 1993 Estimate | 1993 Estimate |
|---------------------------------------|-------------|---------------|---------------|
| Financing | | | |
| Unappropriated balance, start-of-year | -916,484 | 96,382 | 916,074 |
| Receipts | 174,218 | 202,541 | 214,866 |
| Total available for appropriation | 159,432 | 209,953 | 230,970 |
| Appropriation | -152,070 | -152,628 | -219,982 |
| Unappropriated balance, end-of-year | 6,362 | 16,074 | 14,988 |
| Obligations by program | | | |
| Enforcement: | | | |
| Inspections | 101,436 | 159,351 | 143,654 |
| Investigations | 781 | 1,006 | 1,414 |
| Anti-Smuggling | 1,330 | 1,750 | 1,979 |
| Detention and Deportation | 21,379 | 20,282 | 21,007 |
| Subtotal | 124,926 | 162,389 | 178,054 |
| Citizenship and Benefits: | | | |
| Refugees and Overseas | 741 | 260 | 265 |
| Immigration Support: | | | |
| Training | 371 | 502 | 531 |
| Data and Communications | 21,860 | 28,112 | 28,520 |
| Intelligence | 630 | 1,368 | 1,809 |
| Construction and Engineering | 106 | 94 | 126 |
| Field Management and Support | 144 | 247 | 283 |
| Legal Proceedings | 1,874 | 1,600 | 1,837 |
| Subtotal | 24,004 | 32,143 | 33,186 |
| Program Direction: | | | |
| Executive Direction and Control | 102 | 200 | 211 |
| Administrative Services | 2,559 | 3,878 | 4,277 |
| Subtotal | 2,660 | 4,078 | 4,488 |
| Total obligations | 152,997 | 192,829 | 216,982 |

Immigration and Naturalization Service
Immigration User Fee Account
Justification of Program Performance
(Dollars in thousands)

Activity: Enforcement

| | 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|---------------------|--------------------|-------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | Anticipated | Perm. | MX Amount | Perm. | MX Amount | Perm. | MX Amount |
| Inspections..... | 1,928 | 2,081 | 1,928 | 2,081 | 2,173 | 2,178 | 248 | 124 |
| Investigations..... | 22 | 18 | 22 | 1,414 | 22 | 22 | ... | ... |
| Anti-smuggling..... | 27 | 28 | 27 | 1,979 | 27 | 27 | ... | ... |
| Detention and | | | | | | | | |
| Deportation..... | 137 | 118 | 137 | 21,007 | 137 | 21,007 | ... | ... |
| Total..... | 2,114 | 2,216 | 2,114 | 146,608 | 2,359 | 2,331 | 248 | 124 |

This budget activity contains resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons through air and sea ports of entry. This activity includes inspecting applicants for admission, investigating alien smuggling and immigration fraud schemes, and detaining and deporting illegal aliens.

1992 Appropriation
Anticipated

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | MX Amount | Perm. | MX Amount | Perm. | MX Amount |
| Inspections..... | 1,928 | 2,081 | 2,173 | 2,178 | 248 | 124 |

Long-Range Goal: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National Interest; facilitate the entry of qualified applicants; identify and deny admission to those not qualified; and provide support to the Adjudications and Naturalization program by approving or denying applications and petitions for benefits that are sent to ports-of-entry for remote adjudication during inspector standby time.

Major Objectives:

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States at air and sea ports-of-entry within 48 minutes of their presentation for inspection.

Facilitate the entry of qualified persons through air and sea ports-of-entry.

Prevent the entry of inadmissible applicants through air and sea ports-of-entry.

Mass Procedure Description: The function of this program is to enforce and administer the Immigration and Nationality laws with respect to the inspection of all persons seeking admission into the United States. Applicants for admission into the United States are inspected at ports of entry to determine if they qualify for admission, and if so, under what conditions. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents or prior information. Local and National lookout systems containing information relating to excludable aliens are available for use at each port of entry. Excludable inadmissible aliens are denied entry into the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the Immigration laws are adjudicated during periods of standby time of most ports-of-entry during non-peak workload hours.

Accomplishments and Workload: Accomplishments of the Inspections program are presented in the following table:

| Item | 1991 Base | | 1992 Estimate | | 1993 Estimate | |
|---|----------------|-----------------|----------------|-----------------|----------------|--------------|
| | Pers. Foll. | WT Amount | Pers. Foll. | WT Amount | Pers. Foll. | WT Amount |
| Persons Inspected - User Fee..... | | | \$6,368,113 | \$6,370,056 | \$9,000,000 | \$9,000,000 |
| Inadmissible Aliens Intercepted User Fee..... | | | 61,450 | 68,305 | 92,700 | 97,300 |
| Program Changes: | | | | | | |
| Inspections..... | 1,928 | 2,061 \$132,206 | 2,173 | 2,175 \$193,684 | 248 | 124 \$11,448 |

A total of 248 positions, 124 workyears, and \$11,448,000 is requested to address the requirement of processing arriving passengers in less than 45 minutes. New positions for 1993 will be allocated to increase staffing at locations that require resources to meet the demands of traffic growth.

The primary benefit accruing from the addition of 248 new airport officers is the reduction in public waiting time for inspection. Currently, at some of the larger international gateways, deplaning passengers face delays in clearing the INS primary booth area. Although the authorized staff dedicated to user fee inspections has increased from appreciably since 1986, the rise in international air traffic continues to place heavy demands on the inspections function. A secondary benefit of the additional staffing will be an improved ability on the part of INS to dedicate additional officer time to enforcement performance in the secondary inspections area. The existing demands of primary processing often force the use of all available officer time to clearing arrivals through the primary inspections area. Less than optimal time is therefore available for more comprehensive screening of applicants referred to secondary inspection.

1992 Appropriation Anticipated

| Perm. | FY | Amount | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | |
|-------|----|---------|-----------|----|---------------|----|-------------------|---------|-----|-----|
| | | | Pos. | FY | Pos. | FY | Pos. | FY | | |
| 22 | 18 | \$1,008 | 22 | 22 | \$1,414 | 22 | 22 | \$1,414 | ... | ... |

Investigations.....

Long Range Goal: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

Major Objectives

To provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings associated with international air and sea travel.

Base Program Description: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Cases investigated involve multi-national criminal alien organizations engaged in racketeering, smuggling, counterfeiting, prostitution, official corruption, weapons and narcotics trafficking, employers who knowingly hire illegal aliens, and individual aliens who entered the United States illegally to find employment. Investigative task forces concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Administrative investigations are accomplished through traditional investigative techniques, such as interviews at places of residence and employment, and reviews of civil and business records. Investigations often require the service of subpoenas and search warrants to obtain evidence or to gain access to employment sites where illegal aliens are working.

Accomplishments and Workload: Accomplishments of the Investigations program are presented in the following table:

| Item | 1992 | | 1993 Estimate | |
|------------------------------------|-------|-----|---------------|-------|
| | Pos. | FY | Pos. | FY |
| Deportable Aliens Apprehended..... | 1,208 | 936 | 1,300 | 1,300 |
| Cases Completed..... | 116 | 57 | 69 | 69 |

| Perm. | FY | Amount | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | |
|-------|----|---------|-----------|----|---------------|----|-------------------|---------|-----|-----|
| | | | Pos. | FY | Pos. | FY | Pos. | FY | | |
| 27 | 26 | \$1,720 | 27 | 27 | \$1,979 | 27 | 27 | \$1,979 | ... | ... |

Anti-smuggling.....

Long Range Goal: To reduce the number of illegal aliens entering the United States by conducting pro-active criminal investigations that target major domestic/international alien smuggling organizations.

Major Objectives:
Identify smugglers of illegal aliens operating at international air and sea ports-of-entry.

Investigate and apprehend smugglers of illegal aliens, concentrating resources on major violators associated with international air and sea ports-of-entry.

Gather sufficient evidence to support U.S. Attorneys in obtaining convictions of smuggling violators associated with international air and sea ports-of-entry.

Base Program Description: The primary function of the Anti-smuggling program is to locate, apprehend and present for prosecution, organized alien smugglers involved in extensive smuggling operations; and to locate and apprehend deportable aliens who use such means to enter the country without detection. Cases investigated involve large-scale, highly-organized criminal alien smuggling cartels, which are often engaged in such other criminal enterprises as narcotics and weapons smuggling, extortion, kidnapping, peddling, and document fraud on an international scale. Special Agents identify these organizations through interviews and interrogations, informant information, surveillance, and other investigative initiatives such as Central Tactical Operations (CTOPS) and task force operations.

Accomplishments and Workload: Accomplishments of the Anti-smuggling program are presented in the following table:

| Item | 1990 | 1991 | 1992 | Estimate |
|---|------|------|------|----------|
| Smugglers Apprehended (Level 1)..... | 167 | 183 | 188 | 188 |
| Cases Completed (Level 1)..... | 101 | 138 | 138 | 138 |
| Convictions of Smugglers (Level 1)..... | 138 | 63 | 60 | 60 |

The Anti-smuggling Airport/seaport program was established to enhance the inspection process at major international U.S. airports and seaports. Its special agents enhance the Service's overall enforcement capabilities by identifying major alien smuggling organizations and conducting high-level criminal investigations. The program has focused its efforts on conducting pro-active criminal conspiracy investigations, with emphasis on international alien smuggling organizations engaged in drug trafficking, terrorism, transporting illegal alien workers to U.S. employers, and other serious criminal activities associated with international air and sea travel.

The success of this program is well documented in the level of productivity and in the quality of investigations conducted. The number of pro-active investigations targeting major criminal alien/drug smuggling traffic through highly vulnerable ports-of-entry have continued to increase. In 1991, a total of 101 Level 1 (highest priority) criminal alien investigations were completed by 21 Special Agents on-duty. A total of 183 smugglers were apprehended, resulting in 63 convictions.

1992 Appropriation Anticipated

| Item | 1992 Base | | 1992 Estimate | | Increase/Decrease | |
|--------------------------------|-----------|--------------|---------------|--------------|-------------------|-----------|
| | Perm. | MI Amount | Perm. | MI Amount | Perm. | MI Amount |
| Detention and Deportation..... | 137 | 119 \$30,282 | 137 | 137 \$31,007 | ... | ... |

Long Range Goal: To detain, until ready for removal, alien passengers who are subject to exclusion proceedings before an Immigration Judge, and who are likely to abscond or represent a danger to public safety and security.

Major Objectives:

To provide for the safe and secure detention of alien passengers under exclusion proceedings in custody for a hearing before an Immigration Judge.

Base Program Description: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a present danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

Accomplishments and Workload: Accomplishments of the Detention and Deportation Immigration User Fee program are presented in the following table:

| Item | 1990 | | 1991 | | Estimate 1992 | |
|---------------------------------------|---------|-----------|---------|-----------|---------------|-----------|
| | Perm. | MI Amount | Perm. | MI Amount | Perm. | MI Amount |
| Aliens Detained..... | 9,078 | 10,940 | 10,940 | 13,180 | 13,180 | 13,180 |
| Number of Detention Days..... | 241,408 | 290,980 | 290,980 | 380,640 | 380,640 | 380,640 |
| Average Stay in Detention (Days)..... | 26.6 | 26.6 | 26.6 | 26.6 | 26.6 | 26.6 |
| Aliens Expelled..... | 67,614 | 80,475 | 80,475 | 84,500 | 84,500 | 84,500 |

The Detention and Deportation program locates available space in local jails, hotels, motels, and contract detention facilities to house aliens in exclusion proceedings in the major metropolitan areas and detain those aliens until the completion of their cases.

Activity: Citizenship and Benefits

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---|--------------------|-------|-----------|-----|---------------|-----|-------------------|-----|
| | Per. | NY | Per. | NY | Per. | NY | Per. | NY |
| Refugees and Overseas..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Long-Range Goal: Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission-related information sharing. | ... | \$250 | ... | ... | ... | ... | ... | ... |

Major Objectives:

Maintain established pre-clearance sites in overseas locations throughout the world.

Conduct training for representatives of foreign carriers and immigration authorities on the detection of fraudulent documents.

Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to host governments, international organizations, and private voluntary agencies.

Establish relationships conducive to the collection and dissemination of information of importance to the United States.

Base Program Description: The program maintains established pre-clearance sites in overseas locations

Activity: Immigration Support

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | |
|-----------------------------------|--------------------|----|-----------|--------|---------------|----|-------------------|-----|-----|
| | Per. | NY | Per. | NY | Per. | NY | Per. | NY | |
| Training..... | 8 | 8 | 8 | 8 | 8 | 8 | ... | ... | |
| Data and Communications... | 27 | 27 | 27 | 28,020 | 31 | 29 | 28,820 | 4 | 2 |
| Intelligence..... | 24 | 17 | 24 | 1,809 | 24 | 24 | 1,809 | ... | ... |
| Construction and Engineering..... | 2 | 2 | 2 | 128 | 2 | 2 | 128 | ... | ... |
| Field Management and Support..... | 4 | 4 | 4 | 263 | 4 | 4 | 263 | ... | ... |
| Legal Proceedings..... | 28 | 28 | 28 | 1,206 | 28 | 28 | 1,206 | ... | ... |
| Total..... | 90 | 83 | 90 | 29,484 | 94 | 92 | 33,186 | 4 | 2 |

This activity includes resources for training of personnel, communications, automated data processing, field management, legal proceedings, and facilities management. It also provides the capacity to scientifically examine and analyze documents to assist in the identification of aliens attempting fraudulent entry.

| | 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|---------------|--------------------|-------------|-----------|--------|---------------|--------|-------------------|--------|
| | Perm. | Anticipated | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| Training..... | 0 | 0 | 0 | \$502 | 0 | \$531 | ... | ... |

Long Range Goal: To establish and maintain an employee development system that meets the needs of management and individual employees and complies with regulatory requirements.

Major Objectives: To provide administrative support to the basic training of all new recruits and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs associated with the Inspections User Fee activities.

Base Program Description: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organization needs.

The program is accomplished in a variety of ways: through in-service training using INS instructors, through programs conducted by other Federal agencies, by private contractors, or in combined presentations using service and non-service resources.

Accomplishments and Workload: Accomplishments of the training program are presented in the following table:

| Item | 1990 | | 1991 | | 1992 Estimate | |
|---------------------------------------|-------|--------|-------|--------|---------------|--------|
| | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| Immigration Officer Basic Starts..... | | | 660 | 576 | 912 | 462 |
| Completions..... | | | 325 | 478 | 825 | 443 |

The workload estimate for 1992 includes training of personnel hired in 1991 but not scheduled for training until 1992.

| | 1992 Appropriation | | 1991 Base | | 1992 Estimate | | Increase/Decrease | |
|-------------------------|--------------------|-------------|-----------|----------|---------------|----------|-------------------|---------|
| | Perm. | Anticipated | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| Data and Communications | 27 | 27 | 27 | \$28,112 | 31 | \$28,520 | 4 | \$3,500 |

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; and promote the sharing of information with other Federal agencies to reduce the paperwork burden to both the public and INS.

Major Objectives:

Develop, implement and maintain the Interagency Border Inspection System (IBIS) at air and sea ports-of-entry, based on interagency system plans.

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying automated data processing (ADP) based systems and data bases related to Immigration User Fee programs.

Improve the quality, reliability, interconnection, maintenance, and accessibility of existing database systems related to the Immigration User Fee programs.

Improve the efficiency and effectiveness of voice and data communications related to the Immigration User Fee programs.

Provide office automation support for word processing, local tracking, analysis and electronic mail related to the Immigration User Fee programs.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities related to the Immigration User Fee programs.

Implement the Information Architecture study to design and develop improved automated data processing (ADP) based systems and data bases related to programs in the Immigration User Fee Account.

Base Program Description: The function of this program is to provide direct support to the Service's operational organizations as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; and (3) providing radio communications, telephone call handling, intrusion detection (sensors), and electronic security equipment and systems.

Accomplishments and Workload: Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the following:

1. ADP SYSTEMS

1. Systems Planning - The 1993 request represents the sixth year for the INS automation program as defined in the Automated Information Systems (AIS) Strategic Plan. An INS Information Architecture study, completed in

1991, provides a framework for improving, designing and developing agency information systems. Accomplishments include a contract that was implemented in 1989 to support software development and maintenance needs of INS, acquisition of additional equipment to allow INS employees to benefit from automation, and significant progress in linking together major systems so that information can be readily shared. The Department of Justice computer centers continue to be the primary facilities for centralized automated data processing for the Service.

2. Systems Operations - The Non-Immigrant Information System (NIIS) currently maintains over 90 million records and supports the Visa Waiver program as well as other mission operations and has been expanded to support 250 INS sites. The redesign of NIIS is planned to begin in 1992, with implementation of the redesigned system planned for 1993.

The Interagency Border Inspection System (IBIS) effort involving Department of State (DOS), U.S. Customs Service (USCS) and INS has been moving forward. At this time, a joint steering committee and working group has been established; automation strategies have been approved; an implementation schedule has been developed; and funding responsibilities have been identified and approved. A direct link between the Interagency Border Inspection System and the National Crime Information Center (NCIC) was established in 1989. To date, 18 air ports-of-entry have been automated. Also, 33 land border sites have been installed on the Northern border using IBIS in a single workstation mode (without machine readable document readers). Telecommunications implementation has been started between the USCS and INS. Interagency data exchange activities have been initiated between INS, USCS and DOS. During 1991, automation of 20 more air ports-of-entry was accomplished. By the end of 1991, IBIS installations covered an estimated 88 percent of all commercial airport traffic, and all of the major airport facilities.

IBIS currently incorporates 70,000 INS National Automated Immigrant Lookout System (NAIIS) individual lookouts, 850,000 lost or stolen alien registration cards, approximately 88,000 lost or stolen passports, 650,000 Department of State Automated Lookout System/Counselor Lookout and Support System (AVLOS/CLASS) excludable aliens, and some 300,000 USCS Treasury Enforcement Communications Systems (TECS) lookout and related records from at least six other law enforcement agencies. To date, IBIS also incorporates a name/date-of-birth/A-number cross reference index of approximately 8,000,000 valid alien registration cards. This index is used to perform name/date-of-birth queries automatically when a legal permanent resident or border crossing card query is performed against IBIS and NCIC. The intelligence community is currently working with IBIS to declassify some of their information and incorporate their lookouts. Enforcement and intelligence agency involvement in IBIS is expanding with emphasis from the Administration's Border Security Review Group.

Emphasis is being placed upon the design and redesign of debt collection systems to assist in the improvement of the Service's debt management practices.

II. DATA COMMUNICATIONS

The INS Integrated Network Communications (INSINC) System has been expanded to more than 250 of INS's field offices allowing for immediate access to INS systems on the Justice Data Center's mainframe computers. INSINC has been expanded to include access to at least two non-INS information sources - the National Law Enforcement and Telecommunications System (NLETS), which provides information from state law enforcement systems, and the FBI's NCIC, which provides interstate criminal justice information on wanted, missing and unidentified persons, stolen vehicles and guns, and other properties, and individual criminal histories. INSINC's transition to the GSA-mandated FTS 2000 network was completed in 1991.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|--|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Per. Pos. | WT Amount | Per. Pos. | WT Amount | Per. Pos. | WT Amount |

| | | | | | | | | | |
|-------------------------|----|----|----------|----|----|----------|---|---|---------|
| Data and Communications | 27 | 27 | \$28,020 | 31 | 29 | \$28,820 | 4 | 2 | \$3,800 |
|-------------------------|----|----|----------|----|----|----------|---|---|---------|

A total increase of 4 positions, 2 workyears and \$3,800,000 is requested for a portion of the Information Architecture Implementation as it relates to the Immigration User Fee programs. The request includes funding for two major system initiatives.

Two positions, one workyear, and \$2,000,000 are requested for the development and implementation of the Advance Passenger Information System (APIS). APIS facilitates the processing of arriving passengers at ports-of-entry. In the basic operation of the system, airlines and cruise ship lines collect passenger data during check-in at a foreign port of departure and electronically transmit the data to the Customs Data Center. The passenger data is queried against the Interagency Border Inspection System (IBIS) databases and the results are transmitted to Federal inspectors at the port of arrival. Because a passenger manifest is collected upon departure, the need for query upon arrival is eliminated, thus expediting the inspection of those passengers. Any passengers who are identified as "hits" against the IBIS databases will be targeted for further inspection. This system, when fully developed and implemented, will facilitate the flow of passengers through the Immigration inspection process and will help INS meet the 48-minute inspection standard.

APIS is currently being tested at several locations overseas. This project will require coordination with the U.S. Customs Service, as well as participating airlines, so that arriving passengers (candidates for processing) can be identified. Interfaces and software development between IBIS and the airline systems will need to be developed further before this procedure can be widely implemented. APIS, in conjunction with the electronic I-94 procedures and the Department of Transportation's "next of kin" requirements, must all be analyzed and closely coordinated to ensure effective integration in the development of the system. These activities will be critical components of the development and implementation of APIS.

Two positions, one workyear, and \$1,500,000 are requested for the development and implementation of an electronic I-94, the standard arrival/departure record. Development of electronic I-94 processing will facilitate the admission of non-immigrants, provide real-time non-immigrant arrival and departure records, and reduce the cost of producing these records. Electronic I-94 procedures will use converging document reading technology.

Significant efforts will be required to develop electronic I-94 procedures in coordination with the U.S. Customs Service. These procedures must be integrated with the Department of Transportation's "next of kin" requirements and the APIS. To accommodate electronic I-94 processing, necessary modifications to the IBIS and the Non-Immigrant Information System (NIIS) must be identified and implemented.

1992 Appropriation Anticipated

| | 1992 Base | | 1992 Estimate | | Increase/Decrease | |
|-----------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount |
| Intelligence... | 24 | \$1,809 | 24 | \$1,809 | ... | ... |

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide meaningful intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

Major Objectives:

Purnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components.

Maintain liaison with appropriate United States and foreign government agencies on immigration and national security matters including the movement of known or suspected international terrorists.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act.

Base Program Description: This program provides strategic and tactical intelligence support to Immigration inspectors enforcing the provisions of the Immigration and Nationality Act at air and sea ports of entry, and assist other Federal agencies in addressing national security issues. The Service's forensic document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other frauds.

Accomplishments and Workload: Accomplishments of the Intelligence program are presented in the following table:

| Item | 1990 | 1991 | 1992 Estimate |
|--|------|-------|---------------|
| Cases received for examination of fraudulent documents (Air and Sea) | 676 | 1,059 | 1,100 |

| | 1992 Appropriation | | 1992 Base | | 1993 Estimate | | Increase/Decrease Per. FY Amount | |
|--------------------------------------|--------------------|--------------------------|--------------|-----------|---------------|-----------|-------------------------------------|--------|
| | Perm. FOL | Anticipated FY Amount | Perm. FOL | FY Amount | Perm. FOL | FY Amount | | |
| Construction and Engineering..... | 2 | 2 | 2 | \$94 | 2 | 2 | \$125 | |

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Nationality Act.

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Nationality Act.

Major Objectives:

Review plans associated with the construction, alteration, and maintenance of effective, safe, energy conserving, and attractive facilities associated with the Immigration User Fee program.

Base Program Description: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, State, county, local airport and foreign authorities.

Accomplishments and Workload: Accomplishments of the Construction and Engineering program are presented in the following table:

111

| Item | 1990 | 1991 | 1992 Estimate |
|-----------------------|------|------|---------------|
| Airport Projects..... | 30 | 34 | 30 |
| | | | 28 |

| | 1992 Appropriation Anticipated | | 1992 Base | | 1993 Estimate | | Increase/Decrease | |
|---|--------------------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | FY Amount | Perm. | FY Amount | Perm. | FY Amount | Perm. | FY Amount |
| Field Management and Support... | 4 | 4 \$247 | 4 | 4 \$263 | 4 | 4 \$263 | ... | ... |
| Long Range Goal: To provide management direction to field units that implement major policy and management decisions. | | | | | | | | |

Long Range Goal: To provide management direction to field units that implement major policy and management decisions.

Major Objectives: Ensure effective law enforcement and uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Basic Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs.

Accomplishments and Workload: The Field Management and support program provides management direction to field units on implementing INS policy and initiatives at the field level for the Service's commitment to the efficient management of Immigration User Fee activities in the coordination of resources supplied by several programs in support of airport and seaport operations.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | | |
|----------------------|--------------------|-------------|-----------|------|---------------|---------|-------------------|------|---------|-----|-----|-------|
| | Perm. | Anticipated | Perm. | Est. | Perm. | Est. | Perm. | Est. | | | | |
| Legal Proceedings... | 28 | 28 | \$1,600 | 28 | 28 | \$1,706 | 28 | 28 | \$1,937 | ... | ... | \$231 |

Long Range Goal: To provide legal representation for the United States Government in all cases and matters involving exclusion proceedings and INS's debt collection activities.

Major Objectives:

To provide INS legal support and representation at exclusion proceedings with emphasis on excluding criminal aliens.

To collect debts owed to the Federal government.

Basic Program Description: INS attorneys represent the Service at exclusion hearings and litigate to collect debts owed the government for breached bonds.

Accomplishments and Workload: Accomplishments of the Legal Proceedings program are presented in the following table:

| Item | 1992 | | 1993 | | Estimate | |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | 1992 | 1993 | 1992 | 1993 | 1992 | 1993 |
| Exclusion Activities | | | | | | |
| Exclusion Appearances..... | 17,870 | 17,800 | 17,800 | 17,800 | 18,300 | 18,300 |
| Cases Prepared..... | 20,286 | 20,300 | 20,300 | 20,300 | 21,100 | 21,100 |
| Preparation of Legal Briefs..... | 1,612 | 1,650 | 1,650 | 1,650 | 1,720 | 1,720 |
| Legal Consultations..... | 11,985 | 12,000 | 12,000 | 12,000 | 12,800 | 12,800 |
| Legal Memoranda to Examinations..... | 776 | 800 | 800 | 800 | 830 | 830 |
| Total Work Units..... | 52,239 | 52,350 | 52,350 | 52,350 | 54,450 | 54,450 |
| Debt Collection Program | | | | | | |
| Collection of overdue debts..... | \$1,536,000 | \$3,000,000 | \$3,000,000 | \$3,000,000 | \$4,500,000 | \$4,500,000 |

| Program Changes | 1991 Base | | | 1992 Estimate | | | Increase/Decrease | | |
|-----------------------|-----------|------|---------|---------------|------|---------|-------------------|------|--------|
| | Perm. | Vol. | Amount | Perm. | Vol. | Amount | Perm. | Vol. | Amount |
| Legal Proceedings.... | 25 | 26 | \$1,706 | 25 | 26 | \$1,937 | ... | ... | \$231 |

An increase of \$231,000 is requested to augment supporting resources for existing personnel in the Legal Proceedings program. During the last five years the Service has significantly increased its activities in the area of debt collection, which is consistent with Departmental and government-wide efforts to reduce waste, fraud and abuse in Federal programs. Enhanced efforts to date have resulted in considerable financial returns to the government. The increased resources requested will be used to provide additional support for the staff committed to debt collection activities by adding resources for travel, contractual support, supplies and limited overtime in lieu of expanding personnel. This increase should enhance the effectiveness and productivity of the program.

Activity: Program Direction

| 1992 Appropriation | 1991 Base | | | 1992 Estimate | | | Increase/Decrease | | |
|--------------------------------------|-----------|------|--------|---------------|------|--------|-------------------|------|--------|
| | Perm. | Vol. | Amount | Perm. | Vol. | Amount | Perm. | Vol. | Amount |
| Executive Direction and Control..... | 3 | 3 | \$200 | 3 | 3 | \$211 | ... | ... | ... |
| Administrative Services..... | 60 | 60 | 4,272 | 60 | 60 | 4,272 | ... | ... | ... |
| Total..... | 63 | 63 | 4,472 | 63 | 63 | 4,483 | ... | ... | ... |

This activity provides for the overall administration and management of Service programs supported by the Immigration User Fee Account.

| 1992 Appropriation | 1991 Base | | | 1992 Estimate | | | Increase/Decrease | | |
|--------------------------------------|-----------|------|--------|---------------|------|--------|-------------------|------|--------|
| | Perm. | Vol. | Amount | Perm. | Vol. | Amount | Perm. | Vol. | Amount |
| Executive Direction and Control..... | 3 | 3 | \$200 | 3 | 3 | \$211 | ... | ... | ... |

Long Range Goal: To increase the effectiveness of the Service through the use of Mission Plan goals and strategies; formulate and coordinate meaningful and consistent policy; provide program direction throughout all levels of the Service; and evaluate policy with a view toward recommending practical changes.

Major Objectives

To provide for continuity, coordination and control of the overall management and administration of INS as related to the Immigration User Fee Account.

Base Program Description: The function of this program is to execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources. Included in this program are duties related to: (1) providing executive direction and control of the service; (2) providing management to the service in the areas of contracting and equal employment opportunity; (3) furnishing accurate and prompt responses to Congressional and public inquiries; (4) administering and maintaining an effective budgeting system, and (5) developing and evaluating policies and systems to improve the effectiveness of service programs.

| | 1992 Appropriation | | | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | |
|------------------------------|--------------------|----|---------|-----------|----|---------|---------------|----|---------|-------------------|-----|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Administrative Services..... | 60 | 60 | \$3,878 | 60 | 60 | \$4,277 | 60 | 60 | \$4,277 | ... | ... |

Long Range Goal: To provide the full-range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

Major Objectives

Provide accounting support services and program direction related to the Immigration User Fee Account.

Provide personnel and equal opportunity support services and program direction related to the Immigration User Fee Account.

Provide property management and procurement support and program direction related to the Immigration User Fee Account.

Provide overall management direction and control for all management programs and the full range of security, safety and health support activities as related to the Immigration User Fee Account.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include: personnel; accounting, equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services which benefit all programs within INS.

Accomplishments and Workload: Accomplishments of Administrative Services programs are presented in the following table:

| Item | 1990 | 1991 | 1992 | Estimate |
|---|--------|--------|--------|----------|
| PERSONNEL | | | | |
| Personnel Actions..... | 8,947 | 11,440 | 14,300 | 21,480 |
| Number of Persons Hired..... | 363 | 469 | 511 | 489 |
| Position Classification Requests..... | 152 | 215 | 21 | 260 |
| Position Review Requests..... | 1,221 | 1,100 | 1,386 | 1,991 |
| Formal Grievances..... | 23 | 42 | 46 | 48 |
| Adverse and Disciplinary Actions..... | 83 | 128 | 139 | 140 |
| Unfair Labor Practice Charges..... | 29 | 33 | 36 | 39 |
| FINANCE | | | | |
| Bills..... | 4,000 | 4,050 | 4,380 | 4,880 |
| Vouchers..... | 22,147 | 28,000 | 30,000 | 32,000 |
| EQUAL EMPLOYMENT OPPORTUNITY OFFICE | | | | |
| EEO Evaluations and Assist Management Officials..... | 65 | 72 | 77 | 192 |
| EEO Discrimination Complaints..... | 952 | 1,062 | 1,130 | 1,289 |
| Training Seminars - Supervisors, Employees, and Collateral Duty..... | 2 | 2 | 3 | 4 |

Immigration and Naturalization Service
Immigration User Fee

Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Improve Service To The Public | | | | Legal Proceed | | | |
|---|-------------------------------|---------|---------------------|--------|-----------------------|--------|---------------|---------|
| | Inspections Pos. | Amount | Data & Comm Pos. | Amount | Legal Proceed Pos. | Amount | Total Pos. | Amount |
| Grades | | | | | | | | |
| GS-11..... | ... | ... | 4 | \$136 | ... | ... | 4 | \$136 |
| GS-9..... | 248 | \$6,892 | ... | ... | ... | ... | 248 | 6,892 |
| Total positions and annual rate..... | 248 | 6,892 | 4 | 136 | ... | ... | 252 | 7,028 |
| Lapse (-)..... | (124) | (3,446) | (2) | (68) | ... | ... | (126) | (3,514) |
| Other personnel compensation..... | 49 | 2,225 | ... | ... | 1 | \$50 | 50 | 2,275 |
| Total workyears and | | | | | | | | |
| personnel compensation..... | 173 | 5,671 | 2 | 68 | 1 | 50 | 176 | 5,789 |
| Personnel benefits..... | | 1,621 | | 24 | | ... | | 1,645 |
| Travel and transportation of persons..... | | 1,280 | | 12 | | 30 | | 1,332 |
| GSA rent..... | | 662 | | 32 | | ... | | 694 |
| Comm, Util, & Misc charges..... | | 247 | | 4 | | ... | | 251 |
| Other services..... | | 645 | | 3,348 | | 125 | | 4,118 |
| Supplies and materials..... | | 129 | | 2 | | 26 | | 157 |
| Equipment..... | | 1,183 | | 10 | | ... | | 1,193 |
| Total program workyears and obligations changes requested, 1983 | 173 | 11,448 | 2 | 3,500 | 1 | 231 | 176 | 15,179 |

Immigration and Naturalization Service
Immigration User Fee
Detail of Permanent Positions by Category (1)
Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Authorized | 1993 | |
|--|--------------------|--------------------|----------------------|--------------|
| | | | Program Increases | Total |
| Personnel Management (200-299)..... | 24 | 24 | .. | 24 |
| Attorneys (300)..... | 18 | 18 | .. | 18 |
| Detention and Deportation Officers (1801)..... | 104 | 137 | .. | 137 |
| Criminal Investigators (1811)..... | 34 | 49 | .. | 49 |
| Immigration Inspectors (1816)..... | 1,916 | 1,923 | 248 | 2,173 |
| Engineering and Architecture (800-899)..... | 1 | 2 | .. | 2 |
| General Administrative and Clerical (300-399)..... | 93 | 107 | 4 | 111 |
| Accounting and Budget (500-599)..... | 2 | 2 | .. | 2 |
| Total | 2,191 | 2,364 | 262 | 2,619 |
| Washington..... | 14 | 18 | 4 | 19 |
| U.S. Field..... | 2,080 | 2,132 | 848 | 2,360 |
| Foreign Field..... | 117 | 117 | .. | 117 |
| Total | 2,191 | 2,364 | 262 | 2,619 |

(1) This exhibit provides detail of reimbursable positions not portrayed in the salaries and expenses budget.

Immigration and Naturalization Service
Immigration User Fee
Summary of Changes
(Dollars in thousands)

| | Work - years | Amount |
|--|-----------------|-----------|
| 1992 appropriation anticipated..... | 2,366 | \$192,829 |
| Mandatory increases: | | |
| 1992 Pay Annualization..... | .. | 999 |
| 1993 Pay Rates..... | .. | 6,216 |
| Within-Grade Increase..... | .. | 1,294 |
| Annualization of 1992 Positions..... | 34 | 1,696 |
| General Pay Reform Act Annualization..... | .. | 1,591 |
| Special Pay Rates..... | .. | 336 |
| Accident Compensation..... | .. | 224 |
| Unemployment Compensation - Increase..... | .. | 37 |
| Foreign Allowance..... | .. | 130 |
| Travel: Mileage..... | .. | 3 |
| General Pricing Level Adjustments..... | .. | 1,697 |
| Total, mandatory increases..... | 34 | 13,173 |
| Decreases: | | |
| General Printing Office (GPO) and Department Printing..... | .. | (2) |
| Nonrecurring costs of 63 new positions approved in 1992..... | .. | (1,278) |
| Nonrecurring contractual costs..... | .. | (3,919) |
| Total, decreases..... | .. | (5,199) |
| 1993 Base..... | 2,360 | 200,803 |
| Program changes: | | |
| Inspections..... | 124 | 11,448 |
| Data and Communications Systems..... | 2 | 3500 |
| Legal Proceedings..... | .. | 231 |
| Total, program changes..... | 126 | 15,179 |
| 1993 Estimate..... | 2,516 | 215,982 |

Immigration and Naturalization Service

Immigration User Fee

Justification of Adjustments to the Base
(Dollars in thousands)

| Work- Year | Amount |
|---------------|--------|
| 1962 | \$660 |
| 1963 | 6,216 |
| 1964 | 1,284 |
| 1965 | 1,608 |

Mandatory Increases

1. 1962 Pay Annualization
This pay annualization represents only first quarter amounts (October through December) of the 1962 2.2 percent pay increase effective in January of 1962 plus appropriate personnel benefits (\$603,000 pay and \$162,000 benefits).
2. 1963 Pay Rates
This request provides for the proposed 3.7 percent pay rate to be effective in January of 1963 and is consistent with Administration policy. The amount requested, \$6,216,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$4,322,000 for pay and \$694,000 for benefits = \$5,016,000).
3. Within-Grade Increases
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay rates, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,073,000 for pay and \$221,000 for benefits.
4. Annualization of 63 additional positions approved in 1962.
This provides for the annualization of 63 additional positions approved by Congress for 1962.

| Approved 1962 Increase | Annualization Required |
|---------------------------|---------------------------|
| \$1,436 | \$141 |
| 128 | 128 |
| 6339 | 694 |
| 1027 | 1,066 |
| 231 | 300 |
| 1,266 | 1,366 |
| 158 | 152 |
| 62 | 64 |
| 83 | 86 |
| 1,591 | 1,608 |

5. General Pay Reform Act Annualization
The Federal Employees Pay Comparability Act of 1960 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS, 5, 7, and 9 Federal employees occupying two-grade internal occupational series and locally comparable pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Also included in the request are the costs for these items unfunded in 1962. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rates and costs-of-living increases. No increases are requested for discretionary allowances.

1,581

| | | |
|---|-----|---------|
| 6. Special Pay Rates..... | ... | \$336 |
| This request provides increases as authorized by law in 8 U.S.C. §303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991. | | |
| 7. Accident Compensation..... | ... | 224 |
| This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$224,000 over the base. | | |
| 8. Unemployment Compensation - Increase..... | ... | 37 |
| This request provides for the additional costs necessary in 1993 for the Department to continue payment of Unemployment Compensation to Federal employees. This increase is based on the most recent complete annual billing for the Department provided by the Department of Labor and is a result of the increase in the number of Department employees. Based on actual billings, an increase in the amount of \$37,000 is needed. | | |
| 9. Foreign Allowances..... | ... | 130 |
| Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$130,000 provides 6 percent more than the \$2,600,000 budgeted for in 1992. | | |
| 10. Travel - Mileage..... | ... | 3 |
| The Travel Expense Amendment Act of 1976, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 26 cents. This increase provides \$3,000 for this change in allowance. | | |
| 11. General Pricing Level Adjustments..... | ... | 1,467 |
| This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies/materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. | | |
| Total uncontrollable increases..... | 34 | 15,173 |
| Business (Automatic Non-policy): | | |
| 1. General Printing Office (GPO) and Department Printing..... | ... | (2) |
| Cost savings related to lower charges by the GPO and Departmental Printing Services. | | |
| 2. Nonrecurring costs of 63 new positions approved in 1992..... | ... | (1,276) |
| These are nonrecurring costs of full-field investigations and personal equipment for 63 new positions approved in the investigations, Anti-Smuggling, Detention and Deportation, Intelligence, and Construction and Engineering programs. | | |
| 3. Nonrecurring contractual costs..... | ... | (3,919) |
| These are nonrecurring costs associated with contracts related to the Non-Innigrant Information System (NIIS) and the Interagency Border Inspection System (IBIS). | | |
| Total decreases..... | 34 | 5,199 |
| Total, adjustments to the base..... | 34 | 7,974 |

Investigation and Maintenance Services
Investigation Unit Fee
Summary of Requirements by Grade and Highest Class
(Positions in thousands)

| | 1991 Actual | | 1993 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|-----------------------|----------|-----------------------|----------|-----------------------|----------|-----------------------|---------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and select ranges | | | | | | | | |
| GS/OM-14, 94,407-70,947 | 19 | | 19 | | 19 | | | |
| GS/OM-13, 64,210-40,070 | 17 | | 26 | | 26 | | | |
| GS-12, 528,081-40,070 | 68 | | 108 | | 108 | | | |
| GS-11, 528,420-42,132 | | | 3 | | 7 | | | 4 |
| GS-8, 528,788-34,434 | 1,804 | | 1,844 | | 2,182 | | | 248 |
| GS-7, 528,803-34,434 | | | 1 | | 1 | | | |
| GS-6, 517,113-33,634 | 120 | | 164 | | 164 | | | |
| GS-5, 517,608-32,948 | 3 | | 4 | | 4 | | | |
| GS-4, 515,423-30,367 | | | 6 | | 6 | | | |
| 1993 pay increase | | | | | | | | |
| Total, positions | 2,191 | \$60,326 | 2,384 | \$64,319 | 2,318 | \$64,323 | 287 | \$4,223 |
| Pay above stated annual rates | | 254 | | 832 | | 278 | | 827 |
| Lapses | 819 | (14,334) | (109) | (3,179) | (201) | (8,118) | (89) | (2,414) |
| Salaries due to lower pay scales for part of year | | 697 | | 859 | | 1,011 | | 1,011 |
| Net full-time permanent | 1,372 | \$4,028 | 2,185 | \$8,340 | 2,318 | \$72,885 | 180 | \$9,258 |
| Other full-time permanent | | | | | | | | |
| Other part-time and intermittent employment | 182 | \$4,442 | 201 | \$4,489 | 201 | \$4,489 | | 717 |
| Other personnel compensation | | | | | | | | |
| Overtime | 163 | \$2,097 | 188 | \$2,188 | 188 | \$2,177 | | 2,609 |
| Administratively unavoidable overtime | 10 | \$44 | 10 | \$20 | 10 | \$48 | | 142 |
| 1991 Act Overtime | 785 | \$3,856 | 785 | \$3,856 | 808 | \$7,893 | 80 | 1,891 |
| Other compensation | | 915 | | 960 | | 960 | | 28 |
| Special personal services payments | | 39 | | | | | | |
| Total, voluntary and personnel compensation | 2,777 | \$9,317 | 3,277 | \$12,176 | 3,207 | \$13,348 | 210 | \$1,045 |
| Average GS/OM Salary | | \$67,791 | | \$69,289 | | \$69,419 | | |
| Average GS/OM Grade | | (8.01) | | (8.00) | | (8.03) | | |

**Insulation and Rehabilitation Service
Insulation User Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|-------------|---------|---------------|-----------|---------------|-----------|-------------------|--------|
| | Workyear | Amount | Workyear | Amount | Workyear | Amount | Workyear | Amount |
| 11.1 Full-time permanent..... | 1,077 | 644,000 | 2,105 | 802,040 | 2,910 | 872,000 | 100 | 80,202 |
| 11.2 Other than permanent..... | 102 | 5,042 | 201 | 8,020 | 201 | 10,004 | ... | 700 |
| 11.3 Other personnel compensation..... | 910 | 27,712 | 901 | 26,400 | 871 | 24,100 | 80 | 4,002 |
| 11.8 Social personnel service payments..... | 30 | 0 | ... | 0 | ... | 0 | ... | ... |
| Total..... | 2,777 | 770,617 | 3,277 | 1,000,170 | 3,407 | 1,100,000 | 210 | 14,000 |
| 12 Personnel benefits..... | 10,372 | ... | 21,103 | ... | ... | ... | ... | ... |
| 13 Benefits to former personnel..... | ... | ... | ... | ... | ... | ... | ... | ... |
| 21 Travel and transportation of persons..... | 2,042 | ... | 4,320 | ... | ... | ... | ... | ... |
| 22 Transportation of things..... | 901 | ... | 2,042 | ... | ... | ... | ... | ... |
| 22.1 O&A rent..... | 2,001 | ... | 2,000 | ... | ... | ... | ... | ... |
| 22.2 Rental payments to others..... | 80 | ... | 800 | ... | ... | ... | ... | ... |
| 22.3 Communications, utilities and miscellaneous charges..... | 4,142 | ... | 2,000 | ... | ... | ... | ... | ... |
| 24 Printing and reproduction..... | 470 | ... | 2,000 | ... | ... | ... | ... | ... |
| 25 Other services..... | 20,000 | ... | 2,000 | ... | ... | ... | ... | ... |
| 26 Supplies and materials..... | 2,042 | ... | 2,007 | ... | ... | ... | ... | ... |
| 31 Equipment..... | 1,070 | ... | 1,210 | ... | ... | ... | ... | ... |
| 42 Insurance claims and indemnities..... | 80 | ... | ... | ... | ... | ... | ... | ... |
| 44 Refunds..... | 52 | ... | ... | ... | ... | ... | ... | ... |
| Total obligations..... | 2,777 | 100,007 | 3,277 | 100,000 | 3,407 | 210,000 | 210 | 20,100 |
| Reversion of obligations to callings: | | | | | | | | |
| Obligated balance, start-of-year..... | 21,770 | ... | ... | ... | ... | ... | ... | ... |
| Adjustments in unexpired accounts..... | (57) | ... | ... | ... | ... | ... | ... | ... |
| Outlays..... | 172,040 | ... | 100,000 | ... | 210,000 | ... | ... | ... |

**Department of Justice
Immigration and Naturalization Service
Immigration Examinations Fee Account
Estimates for Fiscal Year 1993**

Table of Contents

| Item | Page Number |
|--|--------------------|
| Summary Statement..... | 1 |
| Crosswalk of 1992 Changes..... | 3 |
| Summary of Requirements..... | 4 |
| Summary of Resources by Program..... | 6 |
| Justification of Program and Performance | |
| Adjudications and Naturalization..... | 7 |
| Refugees and Overseas..... | 10 |
| Training..... | 13 |
| Data and Communications..... | 15 |
| Information and Records Management..... | 18 |
| Intelligence..... | 25 |
| Field Management and Support..... | 26 |
| Legal Proceedings..... | 26 |
| Administrative Services..... | 28 |
| Financial Analysis - Program Changes..... | 30 |
| Detail of Permanent Position by Category..... | 31 |
| Summary of Change..... | 32 |
| Justification of Adjustments to the Base..... | 33 |
| Summary of Requirements by Grade and Object Class..... | 35 |

Immigration and Naturalization Service

Immigration Examinations Fee

Summary Statement

Fiscal Year 1993

The Immigration and Naturalization Service is requesting \$230,997,000, 3,099 positions and 2,970 workyears for adjudications and naturalization and refugee, asylum and parole activities and related support services funded through the Immigration Examinations Fee account. Consistent with Congressional intent, the cost of these activities is to be funded from fees collected from individuals applying for benefits under the provisions of the Immigration and Nationality Act.

The Immigration Examinations Fee account was established in the Department of Justice Appropriations Act, 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources to be made available are used to adjudicate applications and petitions for benefits under the Immigration and Nationality Act and to provide necessary support to the Adjudications and Naturalization program. Also funded from this account are the Asylum Officer Corps, the Refugees and Overseas program, and U.S. Courts' naturalization costs.

This budget submission reflects the need to expand resources required to deliver timely and efficient service to the public in an equitable manner consistent with all provisions of the law.

Adjudications and Naturalization Program

The 1993 request includes an increase of \$230,000 for increased costs associated with FBI name and fingerprint checks.

In view of the emphasis given to service to the public in the legislative history of the account, workload and backlogs must be addressed effectively. There is a clear need to continue the ongoing development of the service centers and the Direct Mail program that are focal points of plans to process high volumes of applications efficiently in an operational environment which allows attention to be focused on productivity and quality control.

Refugees and Overseas Program

The budget request includes 102 positions, 53 workyears and \$6,377,000 to expand the Asylum Officer Corps due to substantial workload increases and to establish new overseas offices in the People's Republic of China and Pakistan. The new overseas offices are the result of extensive work and coordination with the Department of State regarding problems in these two countries.

Data and Communications Program

The budget contains 10 positions, 8 workyears and \$19,143,000 for the development of the Computer Linked Applications Information Management System (CLAIMS), a portion of the Information Architecture plan related to the programs funded under the Immigration Examinations Fee Account.

Information and Records Management Program

The Information and Records Management program provides essential support for the Adjudications and Naturalization program in the service centers and district offices. The budget request includes 140 positions, 71 workyears and \$8,845,000 for additional personnel to provide the level of support necessary to assure that application processing is supported at a level required for the projected workload. Additional support is proposed for the on-going implementation of the Direct Mail program. This is considered essential to the overall success of this major effort to change the manner in which applications are adjudicated. Resources are also included for Freedom of Information Act activities, operations and maintenance of 800 number telephone lines, improvement of records operations, and the establishment of a forms transcription and distribution center that will provide improved response to public inquiries for application forms.

Field Management and Support Program

The Field Management and Support program requires an expansion of resources to provide support for the Adjudications and Naturalization program and other programs funded through the Examinations Fee Account. The 1993 request contains 10 positions, 8 workyears and \$18,000 to achieve the required level of support. The addition of these positions and resources is expected to result in the more efficient management of the Immigration Examinations Fee supported programs in the field and is critical to maintaining efficient operations within the district offices and in the Service centers.

Legal Proceedings Program

The 1993 request includes \$411,000 to expand supporting resources for the program to allow existing personnel to address growth in litigation workload expected to stem from the Immigration Act of 1990 and the agency's political asylum processing activities.

Administrative Services Program

The Administrative Services program provides essential day-to-day support for all programs in the Account in such areas as personnel services, accounting, contract and procurement services, equal employment opportunity, security and safety programs, and other forms of general service and support. An enhancement of 15 positions, 8 workyears and \$432,000 is requested to continue to provide these services commensurate with the growth in the other programs within the 1993 request for this account.

Immigration and Naturalization Service
Immigration Remittances / 28
Consent of 1992 Change
(Dollars in thousands)

| Activity/Program | 1992 President's Budget Request | | | Reprogramming | | | 1992 Appropriation Anticipated | | |
|--|------------------------------------|--------------|----------------|---------------|----|-----|-----------------------------------|--------------|----------------|
| | FY | WY | AML | FY | WY | AML | FY | WY | AML |
| Citizenship and New-Ins | | | | | | | | | |
| a. Adjudications and Naturalization..... | 2,166 | 1,999 | 8121,831 | -- | -- | -- | 2,166 | 1,999 | 8121,831 |
| b. Refugees and Overseas..... | 310 | 373 | 79,915 | -- | -- | -- | 310 | 373 | 79,915 |
| Subtotal..... | 2,476 | 2,372 | 151,746 | -- | -- | -- | 2,476 | 2,372 | 151,746 |
| Immigration Support | | | | | | | | | |
| a. Data and Communications..... | 63 | 82 | 31,744 | -- | -- | -- | 63 | 82 | 31,744 |
| b. Information and Records Mgmt..... | 216 | 185 | 9,846 | -- | -- | -- | 216 | 185 | 9,846 |
| c. Intelligence..... | 8 | 8 | 352 | -- | -- | -- | 8 | 8 | 352 |
| d. Legal Proceedings..... | 38 | 38 | 2,477 | -- | -- | -- | 38 | 38 | 2,477 |
| Subtotal..... | 324 | 313 | 44,359 | -- | -- | -- | 324 | 313 | 44,359 |
| Program Direction | | | | | | | | | |
| a. Administrative Services..... | 22 | 22 | 731 | -- | -- | -- | 22 | 22 | 731 |
| Subtotal..... | 22 | 22 | 731 | -- | -- | -- | 22 | 22 | 731 |
| Total..... | 2,822 | 2,687 | 196,916 | -- | -- | -- | 2,822 | 2,687 | 196,916 |

Immigration and Naturalization Service
Immigration Examination Fee
Summary of Requirements
(Dollars in thousands)

| <u>Financing</u> | <u>1991 Actual</u> | <u>1992 Estimate</u> | <u>1993 Estimate</u> |
|--|--------------------|----------------------|----------------------|
| Unappropriated balance, start of year..... | | | 863,508 |
| Receipts..... | \$14,896 | \$46,364 | 222,183 |
| Total available for appropriation..... | 214,076 | 214,060 | 285,701 |
| Appropriation | 228,770 | 280,424 | -238,597 |
| Unappropriated balance, end of year..... | -182,498 | -166,316 | 47,104 |
| | 46,394 | 63,608 | |
| <u>Obligations by program</u> | | | |
| Citizenship and Benefits: | | | |
| Adjudications and Naturalization..... | 116,200 | 121,831 | 127,058 |
| Refugees and Overseas..... | 26,110 | 29,916 | 36,161 |
| Subtotal..... | 141,310 | 151,746 | 163,219 |
| Immigration Support: | | | |
| Training..... | ... | ... | 381 |
| Data and Communications..... | 36,162 | 31,744 | 36,364 |
| Information and Records Management..... | 4,908 | 9,868 | 29,397 |
| Intelligence..... | 71 | 362 | 376 |
| Field Management and Support..... | 46 | ... | 288 |
| Legal Proceedings..... | 2,223 | 2,477 | 3,071 |
| Subtotal..... | 42,397 | 44,439 | 71,876 |
| Program Direction: | | | |
| Administrative Services..... | 840 | 731 | 1,502 |
| Total obligations..... | 184,547 | 196,916 | 238,597 |

Immigration and Naturalization Service
Immigration Service Division
Bureau of Consular Affairs
(Where in Receipt)

| Estimate in Amount | 1981 Actual | | 1982 Anticipated | | 1983 Anticipated | | 1984 Anticipated | | 1985 Anticipated | | 1986 Anticipated | | 1987 Anticipated | | 1988 Anticipated | | 1989 Anticipated | |
|------------------------------------|--------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|
| | Est. | Actual | Est. | Actual | Est. | Actual | Est. | Actual | Est. | Actual | Est. | Actual | Est. | Actual | Est. | Actual | Est. | Actual |
| Operating and Support: | | | | | | | | | | | | | | | | | | |
| Administrative and Maintenance | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 |
| Personnel and Contract | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 | 1,110 | 1,100 |
| Subtotal | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 | 2,324 | 2,300 |
| Immigration Support: | | | | | | | | | | | | | | | | | | |
| Taking | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 |
| Data and Communication | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 |
| Information and Records Management | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Travel Expenses | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Food, Lodging and Support | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Subtotal | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 | 116 |
| Program Credits: | | | | | | | | | | | | | | | | | | |
| Administrative Services | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 | 1,214 | 1,200 |
| Total | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 |
| Total Workload: | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 | 3,438 | 3,416 |
| Other Workload: | | | | | | | | | | | | | | | | | | |
| Holdings | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 |
| Overhead | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 |
| AUD | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 14 |
| Total | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 |
| Total Workload | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 | 3,480 | 3,458 |

Immigration and Naturalization Service
Immigration Examinations Fee
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Citizenship and Benefits

| | 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|--------------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Adjudications and | | | | | | | | |
| Naturalization..... | 2,166 | 1,099 | \$121,831 | 2,158 | 2,052 | \$126,828 | 2,158 | 2,052 |
| Refugees and Overseas... | 210 | 173 | 29,315 | 210 | 173 | 31,784 | 412 | 426 |
| Total..... | 2,476 | 2,272 | 151,146 | 2,468 | 2,225 | 158,613 | 3,970 | 2,478 |

This budget activity includes resources for the payment of specific expenses necessary to adjudicate applications and petitions for benefits provided under the Immigration and Nationality Act and to naturalize eligible aliens in a timely, efficient and equitable manner. It also includes resources for the payment of expenses necessary for the processing of claims for asylum and refugee status and for the Service's overseas program.

| | 1992 Appropriation | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|-------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Adjudications and | | | | | | | | |
| Naturalization. | 2,166 | 1,099 | \$121,831 | 2,158 | 2,052 | \$126,828 | 2,158 | 2,052 |

Long-Range Goal: The overall goal of Adjudications program operations is to provide for and facilitate the efficient, timely and correct processing and adjudication of applications and petitions for immigration benefits and to administer nationality and naturalization provisions and matters relating to citizenship provided by the Immigration and Nationality Act and related statutes, including the Immigration Act of 1990 (IMMACT 90).

Major Objectives:

Assure that benefits are provided to those entitled under the Immigration and Nationality Act, and denied to those not entitled, in a prompt and courteous manner and without undue burden on the public.

Attain and maintain a current workload in adjudicating applications and petitions for benefits provided by law.

Attain and maintain currency in naturalization and citizenship cases.

Manage resources in response to workload so that applicants will receive decisions of consistent quality and

timeliness in all geographic jurisdictions of the Immigration and Naturalization Service.

Provide automated capabilities to INS service center and district office operations to achieve currency, quality, consistency, equity, and efficiency in accomplishing the objectives detailed above.

Base Program Description: The function of this program is to process, adjudicate, and ultimately grant or deny applications and petitions for benefits provided under the Immigration law. Adjudications activities include processing applicants for permanent resident status, petitions for relatives, worker's applications, reentry permits, refugee travel documents, and extensions of temporary stay. Naturalization activities include the examination of aliens to determine their qualifications for filing petitions for naturalization, issuing citizenship documents and having Service officials appear before naturalization courts to present findings of facts and recommendations pertaining to petitions for naturalization.

The INS Adjudications and Naturalization program operates in field offices and four Service Centers. Applications for immigration, nationality and citizenship benefits, and for naturalization, are received and adjudicated by a corps of Immigration officers (examiners) and adjudications support personnel. Since the early 1980's a number of initiatives have been developed and implemented to increase the efficiency and effectiveness of adjudications operations. One of the principal initiatives was the creation of the service centers, which operate apart from the public as processing facilities. These centers have proven to be more productive environments than field offices in processing and adjudicating many types of applications.

Another significant initiative has been the "Balanced Adjudication System", a strategic plan to balance the relative advantages of field office processing, the use of service centers, and the "remoting program", which utilizes available Immigration Inspector time for adjudication activities. Other significant initiatives have been designed and implemented to improve the overall quality of the process, and to improve the effectiveness of overall operations.

Adjudications operations, by their nature, are extremely amenable to automation processing efficiencies, particularly in support areas. In recent years, automation initiatives have played an increasing role in Adjudication's overall planning. These initiatives have played a vital part in the increased production achieved in recent years. The costs of these planned automation initiatives have been identified in the Data and Communications program budget request.

Accomplishments and Workload: There are several distinct types of Adjudications workload. These types include the Special Agricultural Worker (SAW) program, which administers a specific set of provisions of the Immigration Reform and Control Act for the legalization of qualifying foreign agricultural workers; the Replenishment Agricultural Worker (RAW) program, which administers other distinct provisions for the infusion of additional foreign agricultural workers; the Family Unity Program (FUP) created under IMHACT 90; the Temporary Protected Status (TPS) program, also created under IMHACT 90, which administers a specific set of provisions permitting aliens from specifically identified countries to be temporarily protected from deportation; and, ongoing Adjudications operations, which include all other requests for immigrant, nonimmigrant, naturalization and citizenship benefits.

In 1991, the majority of SAW temporary residents automatically adjusted to permanent residents and were required to apply for an Alien Registration Card. INS received 688,571 applications in 1991, with 260,000 applications projected in 1992 and a relatively small number of applications in 1993. The Service anticipates that

during 1992, the remaining SAW program workload will be absorbed into normal Adjudications activities. The SAW program will continue to be funded in 1992. All positions that remain are temporary in nature and will be eliminated in 1993 unless the ramifications from the decision in *Sabran v. INS*, challenging the SAW program financial responsibility regulations, dictates continuation of the program. (The *Sabran* case was filed in April 1988, and is still pending).

In 1990, a registration of potential SAW applicants was completed to establish a database in case the Departments of Labor and Agriculture, pursuant to statutorily delineated mechanisms, determine that there is a shortage of agricultural workers in the United States, and that SAW workers should be admitted. While there is a potential workload for this program, additional personnel are not being requested at this time for either 1992 or 1993. However, funds for the maintenance of the database will be required for these years.

In 1990, INS established the Family Unity Program to adjudicate applications for status filed by aliens who are themselves ineligible for legalization, but have a close family relationship to an alien granted status under the legalization program. Under IMUACT 90, this provision was made into a statutory requirement and was expanded to include Section 202 (Cubans and Haitians) of the Immigration Reform and Control Act of 1986. Projections indicate that approximately 125,000 new applications will be received in 1992 and 1993, respectively, plus an equal amount for extensions.

Under the Temporary Protected Status provisions of the IMUACT 90, individuals from specifically identified countries are allowed to remain in the U.S. and to seek and secure employment for a specific period of time. During this period of time, no deportation proceedings will be initiated. The initial program was for El Salvadorans. It was later expanded to include citizens of Lebanon, Liberia and Kuwait. Under the El Salvadoran program 150,000 new applications are projected. For 1993, 50,000 additional applications are projected for the other countries under this provision.

Accomplishments of the Adjudications and Naturalization program are presented in the following table:

| ITEM | Estimate | | |
|--|-----------|-----------|-----------|
| | 1992 | 1993 | 1994 |
| Workload by Type | | | |
| General Workload | | | |
| a. Pending - Start of Year..... | 658,399 | 840,830 | 840,830 |
| b. New Receipts..... | 2,963,428 | 3,389,990 | 3,389,990 |
| c. Resubmits 1/..... | 392,580 | 383,725 | 383,725 |
| d. Completions 2/..... | 2,971,300 | 3,379,383 | 3,379,383 |
| e. Returns 3/..... | 502,272 | 383,705 | 383,705 |
| f. Pending - End of Year (a+b+c-d-e).... | 840,830 | 851,457 | 851,457 |
| Special Programs | | | |
| Service Centers 2/..... | 929,520 | 1,215,539 | 1,215,539 |
| District Offices..... | 1,296,988 | 1,502,087 | 1,502,087 |
| Port-of-Entry 4/..... | 744,792 | 661,757 | 661,757 |
| Family Unity Program | | | |
| Family Unity Program 2/..... | 74,500 | 200,000 | 200,000 |
| Temporary Protected Status..... | .. | 179,000 | 179,000 |
| Special Agricultural Workers..... | 50,000 | 260,000 | 260,000 |

FOOTNOTES

- 1 Beginning in 1992 applications for benefits which require additional documentation will not be returned for resubmission.
- 2 New personnel to be added throughout 1992, when fully trained and experienced in their work, will add to overall productivity.
- 3 The projected increase is mainly due to the proposed implementation of Phase II of the Direct Mail Program, which means the Service Centers, which are more productive, will process a higher percentage of receipts.
- 4 Projected POS remoting declines due to the fact that additional workload and enforcement activities of inspectors is reducing the amount of time available to do remote work. In addition, the projections reflect the decision to tailor remoting volumes more to port capacities to minimize backlogs at ports. Projected remoting for 1992 and 1993 includes: 233,000 Border Crossing Cards and 48,000 Nonimmigrant Waiver applications received directly at the ports; 200,000 I-90 applications remote from field offices; 78,000 Extension of Stay/Change of Status applications and 128,000 I-130 relative petitions remote from Service Centers.
- 5 Under provisions of the Immigration Act of 1990 the Family Fairness Program has been replaced by the Family Unity Program which provides for indefinite duration of statutory eligibility for benefits. This workload is included in general receipts in 1992 and thereafter.

Program Changes

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------------------------------|-----------|--------|---------------|--------|-------------------|-----------|
| | Perm. | MX | Perm. | MX | Perm. | MX |
| | FOAL | Amount | FOAL | Amount | FOAL | Amount |
| Adjudications and Naturalization..... | 2,158 | 2,052 | \$126,828 | 2,158 | 2,052 | \$127,058 |
| | | | | | ... | ... |
| | | | | | | \$230 |

An increase of \$230,000 is requested for the increase in projected workload that will require FBI security checks.

1992 Appropriation Anticipated

| | 1992 Base | | 1993 Estimate | | Increase/Decrease | |
|----------------------------|-----------|--------|---------------|--------|-------------------|----------|
| | Perm. | MX | Perm. | MX | Perm. | MX |
| | FOAL | Amount | FOAL | Amount | FOAL | Amount |
| Refugees and Overseas..... | 310 | 373 | \$29,915 | 310 | 373 | \$31,784 |
| | | | | | 412 | 426 |
| | | | | | \$38,161 | 102 |
| | | | | | 83 | \$6,377 |

Long-Range Goal: To approve qualified applicants for refugee status and for admission into the United States; adjudicate petitions and applications for benefits under the Immigration and Nationality Act (INA); and verify claims on applications and petitions by conducting immigration investigations. Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission-related information sharing.

Major Objectives

Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to host governments, international organizations, and private voluntary agencies.

Receive and adjudicate applications for persons requesting entry into the United States as refugees in accordance with the INA and yearly consultations between the President and Congress.

Adjudicate applications and petitions for benefits applied for under the INA from individuals seeking admission into the United States as immigrants.

Maintain established pre-clearance sites in overseas locations throughout the world.

Provide planning, coordination, review, and evaluation of the Service's asylum program. Promptly and consistently adjudicate asylum claims from aliens not in exclusion or deportation proceedings.

Establish relationships conducive to the collection and dissemination of information of importance to the United States.

Basic Program Description: The function of this program is to adjudicate refugee applications, process parolees, conduct investigations for preference and relative visa petitions, and conduct other records checks and background investigations as required at overseas Service offices. Officers assigned to this program provide assistance to citizens and lawful permanent residents abroad regarding adoptions, immigration or parole of alien spouses and children, and other benefits under the INA. They review requests for the Attorney General's authority to grant humanitarian parole into the U.S. for deserving individuals, and coordinate with the Coast Guard the asylum screening process of the Alien Migrant Interdiction Program.

The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of those who qualify mandatory rather than discretionary. While Congress, in passing the Act, established a statutory definition of "refugee", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Rather, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations were published in June 1980 and remained in effect until superseded by new asylum regulations signed by the Attorney General and published as a final rule in the Federal Register of July 27, 1990. They took effect on October 1, 1990.

With the implementation of the new regulations on October 1, 1990, conduct of the asylum interview process is limited to only highly trained persons fully knowledgeable of all aspects of the regulations. These officers, the Asylum Officers Corps, are centrally managed from the INS Headquarters and are located at seven sites throughout the country. These officers travel throughout the nation performing asylum interviews. Support activities at the seven sites and Headquarters are provided by clerical personnel who perform data input, mail, file, and correspondence work. A quality control function is performed by supervisory personnel located on site and by Asylum Officers at Headquarters.

Accomplishments and Workload:

| | Estimate | | | |
|----------------------------------|----------|---------|---------|---------|
| | 1990 | 1991 | 1992 | 1993 |
| ITEM | | | | |
| Refugee Applications: | | | | |
| Pending beginning..... | 58,679 | 39,524 | 39,710 | 69,710 |
| Received..... | 135,251 | 123,492 | 180,000 | 180,000 |
| Completed..... | 154,406 | 123,306 | 180,000 | 180,000 |
| Pending end..... | 39,524 | 39,710 | 69,710 | 99,710 |
| Adjudications: | | | | |
| Pending beginning..... | 5,284 | 6,080 | 7,080 | 8,080 |
| Received..... | 27,363 | 28,000 | 28,000 | 28,000 |
| Completed..... | 26,567 | 27,000 | 27,000 | 27,000 |
| Pending end..... | 6,080 | 7,080 | 8,080 | 9,080 |
| Investigations: | | | | |
| Pending beginning..... | 1,259 | 1,628 | 1,928 | 2,328 |
| Received..... | 3,368 | 3,400 | 3,500 | 3,500 |
| Completed..... | 2,996 | 3,100 | 3,100 | 4,233 |
| Pending end..... | 1,628 | 1,928 | 2,328 | 1,595 |
| Parole: | | | | |
| Completed..... | 4,277 | 5,436 | 5,500 | 7,000 |
| Asylum adjudications 1/1: | | | | |
| Pending beginning..... | 71,993 | 97,288 | 142,113 | 232,113 |
| Received..... | 73,637 | 70,225 | 155,000 | 70,000 |
| Completed..... | 48,342 | 25,400 | 65,000 | 80,000 |
| Pending end..... | 97,288 | 142,113 | 232,113 | 222,113 |

Footnote:

Productivity in 1991 was impacted by the establishment and organization of the new Asylum Officer Corps. Receipts in 1992 reflect the filing of applications by aliens covered by the terms of the decision in *American Baptist Churches v. Thornburgh*. Completions in 1992 reflect a full year of operations for the Asylum Officer Corps.

Major Accomplishments:

Consistent with the asylum regulations creating an Asylum Officer Corps, 115 Designated Asylum Officers were trained in September 1990 and began their new assignments on October 1, 1990. Fourteen Supervisory Asylum Officers received one week of management training and entered on duty January 1991, and another 83 Asylum Officers received training in February 1991. The 83 Asylum Corps officers and 14 supervisors are assigned to the seven asylum sites established in Newark; Washington D.C.; Miami; Houston; Chicago; Los Angeles; and San Francisco, and at Headquarters and the Refugee Information Center. The seven asylum offices opened on April 2, 1991.

A Resource Information Center, charged with the responsibility of maintaining up-to-date information on country

conditions worldwide, has been established. Specialized training has been designed and is provided on an on-going basis for Asylum Corps Officers regarding country conditions, international law, interviewing techniques and other pertinent issues.

During 1991, eight INS interviewers processed 62,870 Soviet refugee applicants. Of that total, 57,262 or 92 percent were approved. Of those applicants who have been denied refugee status, most are offered public interest parole as a means of coming to the United States.

Program Changes

| | <u>1991 Base</u> | | <u>1991 Estimate</u> | | <u>Increase/Decrease</u> | | | | |
|----------------------------|------------------|-----------|----------------------|-----------|--------------------------|-----------|-----|----|---------|
| | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount | | | |
| Refugees and Overseas..... | 310 | 373 | \$31,784 | 412 | 426 | \$38,161 | 102 | 53 | \$6,377 |

An increase of 100 positions, 80 workyears and \$5,869,000 is requested to support the expansion of the Asylum Officer Corps. This expansion is necessary to reduce the backlog of asylum cases and effectively handle the increased workload while ensuring a high quality of adjudication. The assignment of 53 officers and 47 clerical staff to the field and Headquarters will provide a 50 percent increase in the number of officers in the field. This will increase the number of cases completed by 25 percent in the initial year of the enhancement of the staff. This increase will eventually reduce the backlog of asylum cases. However, it will take several years before the backlog is eliminated. The program's workload has been expanded and made more complicated by the resolution of a significant court case. Under the terms of the American Baptist Churches v. Thornburgh settlement agreement, the Service has three years to adjudicate the cases filed under this agreement. This settlement may add up to 100,000 cases to the processing workload. Resources are essential in order to adjudicate the applications to be submitted as a result of this judicial settlement.

An increase of 2 positions, 3 workyears and \$508,000 is requested to establish new overseas offices in the Peoples Republic of China and Pakistan. The opening of INS offices in Guangzhou, China, and Karachi, Pakistan, will directly affect diplomatic liaison with foreign governments, enforcement, and voluntary agencies on immigration matters of international scope. These particular areas have been identified as centers of fraudulent documentation and illegal smuggling schemes. A coordinated approach between the U.S. and host country agencies will result in a significant enhancement to the Service's deterrence activities. By deterring illegal immigration activities at the "source" rather than after arrival within the U.S., the U.S. Government will save resources in detention, deportation, and enforcement costs. By working in conjunction with other U.S. agencies, as well as other host country authorities, immigration enforcement efforts will be enhanced.

Activity: Immigration Support

| | <u>1992 Appropriation</u> | | <u>1991 Base</u> | | <u>1991 Estimate</u> | | <u>Increase/Decrease</u> | | | | | |
|------------------------------|---------------------------|-----------|------------------|-----------|----------------------|-----------|--------------------------|-----------|--------|----|---|----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | | | | |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | | | | |
| Training..... | ... | ... | 6 | \$361 | 6 | \$361 | ... | ... | | | | |
| Data and Communications..... | 62 | 82 | \$31,744 | 62 | 62 | 19,221 | 72 | 67 | 38,364 | 10 | 5 | \$19,143 |

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Information and | | | | | | | | |
| Records Mgmt..... | 216 | 185 | 216 | 273 | 356 | 344 | 140 | 71 |
| Intelligence..... | 8 | 8 | 382 | 0 | 378 | 0 | ... | ... |
| Field Management | ... | ... | ... | ... | ... | ... | ... | ... |
| and Support..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Legal Proceedings..... | 324 | 313 | 2,427 | 38 | 2,460 | 38 | 10 | 5 |
| Total..... | 524 | 313 | 44,439 | 38 | 43,186 | 493 | 71,878 | 160 |

This activity includes the resources for communications, records management, automated data processing, legal proceedings and the alien documentation program. In addition, it provides a capacity to examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to aliens.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------|--------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Training..... | ... | ... | 0 | 0 | 0 | 0 | ... | ... |

Long Range Goal: To establish and maintain an employee development system that meets the needs of management and individual employees and complies with regulatory requirements.

Major Objectives:

To provide administrative support to the basic training of all new recruits and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs associated with the Immigration Examinations Fee activities.

Base Program Description: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-service training at the Federal Law Enforcement Training Center facilities (FLETC) at Glynco, Georgia (basic officer training) and at Artesia, New Mexico (Journeyman officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using service and non-service resources.

Program Changes:

| | <u>1991 Base</u> | | <u>1991 Estimate</u> | | <u>Increase/Decrease</u> | |
|---------------|------------------|--------|----------------------|--------|--------------------------|--------|
| | Perm. | NY | Perm. | NY | Perm. | NY |
| | FOIA | Amount | FOIA | Amount | FOIA | Amount |
| Training..... | 0 | 0 | 0 | 0 | 0 | 0 |

Eight positions, 8 workyears and \$301,000 have been transferred from the Adjudications and Naturalization base to the Training program base. Even though these positions, which are located at the Glynnco, Georgia training center, have been providing Spanish language instruction, they have been located in the Adjudications and Naturalization decision unit. This base transfer places these resources in the appropriate decision unit.

| | <u>1992 Appropriation</u> | | <u>1991 Base</u> | | <u>1991 Estimate</u> | | <u>Increase/Decrease</u> | |
|----------------------------|---------------------------|--------|------------------|--------|----------------------|--------|--------------------------|----------|
| | Perm. | NY | Perm. | NY | Perm. | NY | Perm. | NY |
| | FOIA | Amount | FOIA | Amount | FOIA | Amount | FOIA | Amount |
| Data and Communications... | 62 | 82 | \$31,744 | 62 | \$19,221 | 72 | 67 | \$38,364 |
| | | | | | | | 10 | \$19,143 |

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Install and maintain INS's major Examinations support systems throughout the Service as related to the Immigration Examinations Fee Account.

Implement the Information Architecture Study to improve, design and develop automated data processing (ADP) based systems and databases related to the programs funded under the Immigration Examinations Fee Account.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems as related to the Immigration Examinations Fee Account.

Improve the efficiency and effectiveness of voice and data communications throughout the Service as related to the Immigration Examinations Fee Account.

Provide office automation support for word processing, local tracking, analysis, and electronic mail as related to the Immigration Examinations Fee Account.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of

operation of data, communications and electronics capabilities as related to the Immigration Examinations Fee Account.

Base Program Description: The function of this program is to provide direct support to the Service's operational organizations as well as administrative support functions in the areas of ADP and communication systems. This includes: (1) improving the effectiveness and efficiency of service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; (3) maintaining the cost effective production and issuance of secure alien identification cards; and (4) providing telephone call handling.

Accomplishments and Workload: Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the following:

I. ADP SYSTEMS

1. **Systems Planning** - The 1993 request represents the sixth year for the INS automation program, as defined in the Automated Information Systems (AIS) Strategic Plan. The INS Information Architecture study, completed in 1991, provides a framework for improving, designing and developing agency information systems. Accomplishments include a contract that was implemented in 1989 to support software development and maintenance needs of INS, acquisition of additional equipment to allow INS employees to benefit from automation, and significant progress in linking together major systems so that information can be readily shared. The Department of Justice computer centers continue to be the primary facilities for centralized ADP processing for the Service.

2. **Systems Operation** - In 1990, the Data and Communications program provided technical and communications support for adjudications systems enhancements as well as operations and maintenance support for the Fee Application Receipt Entry System (FARES); and the Student/Schools (STSC) system. In 1991, in conjunction with the transfer of additional resources and funding responsibility to the Immigration Examinations Fee Account, technical and communications support are being provided for all Examinations support systems activities. Operations and maintenance support are being provided for the Naturalization Casework, Marriage Fraud, FARA, STSC, and Employer Authorization Document (EAD) systems. Production of employment authorization cards, and support for the Direct Mail program through the development of the Regional Alien File Accountability and Control System (RAFACS II) continue.

In support of the Immigration Reform and Control Act of 1986, specifically the Special Agricultural Worker (SAW) portion of the legislation, contract support has provided planning, integration, training, development, implementation and continued operation of systems to support mandated requirements. A data entry, A-Files and mail management contract was implemented in 1989 in support of the Legalization Adjustment Processing System (LAPS)-Phase II, and additional enhancements were made to support the Replenishment Agricultural Worker (RAW) provisions of IRCA.

II. ALIEN DOCUMENTATION (ADIT)

In 1990, a new Immigration Card Facility operations contract was signed to support a higher volume of card production through the use of new equipment and procedures. The two major types of cards produced at the facility are the Legal Permanent Resident (I-551) and the Border Crossing Card (BCC). Maximum annual card

production on one shift is 2 million cards. In 1990, 1,900,000 I-551's and 138,000 BCC's were produced. In 1991 and 1992, approximately 2 million cards will be produced. In 1993, card production is funded at the pre-INCA level of 400,000 cards.

III. DATA COMMUNICATIONS

The Service's Integrated Network Communications (INSINC) system has been expanded to more than 280 INS field offices allowing for immediate access to INS systems on the Justice Data Center's mainframe computers. INSINC's transition to the GSA-mandated 728 3000 network was completed in 1991.

Program Changes:

| | 1991 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount |
| Data and Communications..... | 62 | \$19,221 | 72 | \$38,364 | 10 | \$19,143 |

An increase of 10 positions, 5 workyears and \$19,143,000 is requested for the development of the Computer Linked Applications Information Management System (CLAIMS), a portion of the Information Architecture as it relates to the programs funded under the Immigration Examinations Fee Account.

CLAIMS is an umbrella system that will incorporate all individual casework-oriented software systems that support the Office of Examinations, Adjudications Division. The individual casework-oriented software systems that support the processing of various applications and petitions for benefits allocable under the Immigration laws. As INS moves to implement its Direct Mail Program for adjudication of applications and petitions, CLAIMS is the project that will provide direct automation support to Service Centers, District Offices, and ports-of-entry where applications are adjudicated.

This is a new initiative that, as part of the INS Information Architecture plan, will incorporate the individual projects previously known as Employment Authorization Document (EAD), Fee and Application Receipt Entry System (FARS), Marriage Fraud Amendment System (MFAS), Naturalization Casework System (NACS), Legalization Adjustment Processing System (LAPS) and Application Fraud System (AFS). All new automation initiatives for the Adjudications Program will be accomplished under the aegis of this project.

INS receives and processes applications and petitions for benefits at a large number of field offices, ports-of-entry, regional service centers and INS offices outside the continental United States. The workload associated with this function has steadily increased in complexity and sophistication and has already risen to over 3 million cases per year and is expected to increase to approximately 4.5 million annually due to the provisions of the Immigration Act of 1990.

In 1986, the Service began the Direct Mail project to control the flow of the workload, maximize the efficiencies of service center processing, make better use of automation technology and implement total quality management over its operations. Under this concept, the public mails applications directly to a service center where initial processing is completed. The remainder of the processing is then completed at the service center or the case is "remote" to a field office or port-of-entry depending on its complexity, the necessity for an interview with the applicant, or other circumstance associated with the benefit desired.

Each phase of the Direct Mail Program has required increased automation and expansion of automated systems to support implementation. Additional systems were developed to support the requirements of specific types of applications (e.g., NACS for naturalization cases) and to support requirements levied by the passage of new immigration legislation (LARS, NIAS, etc.). This has resulted in a series of individual systems, each with a very narrow focus, but all doing a similar function. Integration of all of these systems is needed to keep pace with the changing requirements of the Adjudications Division, its evolving Direct Mail Program, and as mandated by the Service's Information Architecture Initiative.

The individual systems that comprise CLAIMS are case tracking systems used by INS Examiners to assist them in processing applications and petitions for benefits allowed under the immigration laws. The systems contain information regarding case actions, status, or benefits sought by the public and provide various documents and reports including notices to the applicant and statistical reports for management.

CLAIMS, to date, provides INS the ability to notify the applicant or petitioner of actions taken on their requests for benefits in a timely manner, as well as respond to the numerous status inquiries emanating from the public, special interest groups and Congressional staffs. As the Service moves Phase III of Direct Mail, additional resources will be necessary, especially those for the hardware, software, and personnel support needed to maintain an acceptable level of service to the public. The benefits to be derived include: the electronic and timely accountability of fees received; reduction of case backlog; improved public relations through provision of timely, and accurate information and documentation for our alien population; sophisticated data collection techniques; and early detection and deterrence of fraud and organized criminal activities.

In addition, base reductions of 20 workyears and \$13,739,000 are requested in 1993 related to the completion of the Special Agricultural Workers (SAW) program in 1993.

| | 1992 Appropriation | | | | 1993 Base | | | | 1993 Estimate | | | | Increase/Decrease | |
|---|--------------------|-----|---------|------|-----------|----------|-------|-----|---------------|------|-------|---------|-------------------|----|
| | Anticipated | | Perm. | | Perm. | | Perm. | | Perm. | | Perm. | | Perm. | |
| | Pos. | MI | Amount | Pos. | MI | Amount | Pos. | MI | Amount | Pos. | MI | Amount | Pos. | MI |
| Information and Records Management..... | 216 | 188 | \$9,866 | 216 | 273 | \$20,552 | 356 | 144 | \$29,397 | 140 | 71 | \$8,845 | | |

Long-Range Goals: To provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including the Immigration Reform and Control Act's of 1986 (IRCA) provisions and initiatives. Administer Servicewide Information Services and Records programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as, state and local governments seeking the status of aliens under the provisions of the Immigration and Nationality Act. Ensure the reliability of automated and manual data generated by INS information systems; ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.

Major Objectives:

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions related to the Immigration Examinations Fee Account.

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries received from the public within 15 minutes, and all written inquiries received from the public within 20 days at the four Service Centers.

Respond to information and status requests from the public, INS operating components, State and local governments, law enforcement agencies, and other Federal government agencies relating to the Adjudications and Naturalization program.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, processing and retrieval.

Improve the control, accountability and availability of INS records through increased training, and technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Accomplishments and Workload: Accomplishments of the Information and Records Management Program are presented in the following table:

| ITEM | Estimate | |
|--|----------|-----------|
| | 1991 | 1992 |
| Information Service | | |
| Correspondence I/I | | |
| On-Hand, BOY..... | ... | 2,592 |
| New Receipts..... | ... | 72,000 |
| Completions..... | ... | 71,000 |
| On-Hand, BOY..... | ... | 2,592 |
| Inquiries I/I | | |
| Ask Immigration Telephone System..... | ... | 960,000 |
| Immigration Telephone System..... | ... | 48,000 |
| INS "500" Telephone System..... | ... | 800,000 |
| In Person Inquiries: | | |
| Application Processing - Accepted..... | ... | 180,000 |
| Application Processing - Not Accepted..... | ... | 600,000 |
| | | 1,200,000 |

| ITEM | Estimate | | 1991 | 1990 | 1992 | 1991 | 1990 | 1992 | 1991 | 1990 |
|---|-----------|-----------|---------|---------|-----------|---------|---------|-----------|---------|---------|
| | 1992 | 1991 | | | | | | | | |
| Records Completed: | | | | | | | | | | |
| Files Created..... | 120,000 | 120,000 | 68,362 | 29,263 | 120,000 | 68,362 | 29,263 | 120,000 | 68,362 | 29,263 |
| Record Verification..... | 96,000 | 96,000 | 81,870 | 24,487 | 96,000 | 81,870 | 24,487 | 96,000 | 81,870 | 24,487 |
| Files Transferred and Requested from Others/FOIA..... | 240,000 | 240,000 | 64,396 | 63,268 | 240,000 | 64,396 | 63,268 | 240,000 | 64,396 | 63,268 |
| Files Connection..... | 360,000 | 360,000 | 206,288 | 126,237 | 360,000 | 206,288 | 126,237 | 360,000 | 206,288 | 126,237 |
| Refiles..... | 420,000 | 420,000 | 829,272 | 126,839 | 420,000 | 829,272 | 126,839 | 420,000 | 829,272 | 126,839 |
| Mail Processing..... | 1,320,000 | 1,320,000 | 710,782 | 349,237 | 1,320,000 | 710,782 | 349,237 | 1,320,000 | 710,782 | 349,237 |
| FOIA/PA 1/1: On-Hand, BOY..... | 1,608 | 1,608 | ... | ... | 1,608 | ... | ... | 1,608 | ... | ... |
| New Receipts..... | 17,000 | 17,000 | ... | ... | 17,000 | ... | ... | 17,000 | ... | ... |
| Completions..... | 12,000 | 12,000 | ... | ... | 12,000 | ... | ... | 12,000 | ... | ... |
| On Hand, BOY..... | 6,608 | 6,608 | ... | ... | 6,608 | ... | ... | 6,608 | ... | ... |

1/ Workload previously handled under the Salaries and Expenses appropriation, was transferred to the Examinations Fee Account in 1992.

Program Changes:

| Program Changes: | 1991 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--------------------------------------|-----------|-----|----------|---------------|-----|----------|-------------------|----|---------|
| | Perm. | MX | Amount | Perm. | MX | Amount | Perm. | MX | Amount |
| Information and Records Management.. | 216 | 273 | \$20,852 | 356 | 344 | \$29,397 | 140 | 71 | \$8,846 |

Information and Records Management.. A total of 140 positions, 71 workyears and \$8,846,000 is requested to provide information and records support to of the Adjudications and Naturalization program. These resources are related to seven major activities which are presented below.

Operations and Maintenance: An increase of \$500,000 is being requested for operations and maintenance costs.

In 1987, the INS, in compliance with the passage of the Immigration Reform and Control Act of 1986, implemented an "800" toll-free, twenty-four hour, seven days a week telephone system. The INS has an ongoing requirement for continuation of the existing "800" telephone service to provide to the public, including employers, a reliable source for immigration information relating to legalization benefits as well as information relating to other immigration laws impacting the public.

The "800" telephone lines now terminate at two telephone centers (New York City and Los Angeles), which use automated telephone disk-answering equipment to afford callers an opportunity to access immigration information. The "800" service is a primary source to the public for receipt of the essential immigration information with almost one million calls per year. It is projected that the volume of calls will reach 1,250,000 in 1993. Through the capability of the current complement of 96 telephone lines, the volume of calls has steadily increased with requests for immigration information, such as family unity, asylum and the Immigration Act of 1990. The requested increase will allow INS staff to keep pace with the 28 percent increase in the volume of inquiries, as well as provide an increase in the number of telephone lines to accommodate the increased number of calls. Soon to be added to the "800" telephone system service is an enhancement that will allow the calling public to receive the name and address of their local INS office by the input of their respective area codes.

Customer Services: Increases of 33 positions, 17 workyears and \$3,706,000 are requested for customer services activities, that encompass the telephone and in-person information and assistance provided to benefit-seeking individuals who call or visit INS offices nationwide. These enhancements will reduce the burden on information and Records Management staff and Adjudication staff who often are required to assist with these duties at District Offices. Millions of people presently calling INS each year are served by a combination of automated "Ask Immigration" (AI) systems (located at 62 field offices) and secondary "live" assistance beyond AI, which is provided by Immigration Information Officers located at either the two Telephone Service Centers supported by 14 field offices in the Eastern and Western regions or at the 48 field offices not presently supported by a Telephone Service Center. The large number of persons who personally visit INS offices each year are primarily served by a corps of 279 Information Officers who rely on automated systems such as the queuing/ticketing Customer Management Information System (CHIS). Major increases in the customer services workload have occurred as a result of changes in the law and in service policy, such as INAC, the Employment Authorization Document program, the Family Fairness Program, and INACR 90. The impact of these changes has resulted in a 186 percent increase in "Ask Immigration" call volume between 1987 and 1990. By 1993, the call volume could reach 10 million calls annually if existing systems are enhanced (expand disk capacity, increase telephone ports and lines, engineer/reengineer software for voice recognition and telephone devices for hearing impaired callers). At the same time the call volume is increasing, the number of requests for secondary assistance is increasing. It is estimated that these requests will reach 1.5 million in 1993 (approximately ten percent of the total call volume).

Continuing and upgrading "Ask Immigration" operations will require 2 positions, 1 workyear and \$2,319,000 in 1993. The dramatic increase in AI related redesign, refinement, planning, monitoring, coordination and control efforts will require two additional program specialist positions in the Public Contact/Information Services program area. The other resources in this enhancement are needed to maintain both the current AI system in 62 locations as well as to support the replacement of up to 20 of the oldest AI systems in order to maintain uninterrupted service. Replacement equipment will be required at the most frequently called AI locations where some of the oldest equipment is in use. The planned replacement of hardware will allow INS to avoid expensive equipment repairs and high/unacceptable failure rates which would shift the information burden to secondary resources.

A total of 31 positions, 16 workyears and \$1,188,000 will be required to establish two new Telephone Service Centers, one in Florida and one in Texas. These centers will remove the secondary "live" assistance workload from all field offices in these states, allowing Information Officers to redirect their attention to providing assistance to persons visiting their offices and processing correspondence.

A total of \$200,000 is needed for CHIS installations in large offices that continue to experience heavy workload. CHIS facilitates and expedites the flow of persons who visit field office information units. This automated ticketing and control system directs clients to an Information Officer based on the nature of their needs (status inquiry, replacement cards, emergency, forms, prefilling review of application or petition). The system, now in use in 18 offices, reduces the waiting times experienced by clients, enables field office Information Officers to assist more visitors at a faster rate, and enables supervisors to manage counter positions by category of action and time of day, allowing for more efficient use of staff resources. CHIS generally ensures that clients are efficiently routed and served in the office, in some cases avoiding the need for direct involvement with the client. Resources available will allow for the installation of CHIS in four additional offices and the upgrading of the 18 existing installations.

Forms Transcription and Distribution Center. An increase of 20 positions, 10 workyears and \$681,000 is requested for Forms Transcription and Distribution Centers. INS has maintained telephone forms line equipment in virtually all INS offices around the country. The forms line equipment allows callers to dial their local office and leave their name, address, and request for forms. Most recently, all "ASK INFORMATION" equipment has been upgraded at local INS offices in order better to accommodate the needs of the public. The system upgrades allow callers to listen to taped information on a variety of subjects and then leave their requests for forms directly on that system for transcription and filing at a later time.

Problems have arisen due to the lack of dedicated personnel available at local offices to transcribe these recorded requests for forms. This, in turn, has caused significant delays in responding to forms requests which have often resulted in the public calling back and leaving second and even third requests because they have not received their forms within a reasonable time frame.

In April 1988, a prototype Forms Transcription and Distribution Center was established in Williston, Vermont. A staff consisting of a Center Director and five transcribers (all Legalization term positions) were dedicated solely to warehousing approximately five million forms at any given time. Staff at the Centers distribute forms to field offices within the Eastern Region, transcribe recorded requests for forms, and mail forms packages to the requesting public. An additional two permanent full-time clerk positions were assigned to the warehouse operation. The success of that prototype operation resulted in making the forms center a permanent operation. Forms center services has since been extended to additional offices outside the Eastern Region. A formal evaluation of that operation was conducted early in 1990 and supported the findings that prior to establishment of the Center, forms requests often were not transcribed for several weeks. With the opening of the Center in 1988, forms requests were being responded to within 24 hours of receipt of requests at the Center. Duplicate requests were eliminated because of the timeliness of responses to the original requests.

Additional positions are now needed to establish a second forms center which will serve the Western part of the United States. At present, many INS offices in the Western United States are experiencing the same time delays that originally prompted INS to establish the prototype operation in the Eastern Region. Establishment of a second forms center will ensure that virtually all INS clients calling into any office around the country receive their requests for forms within 7-10 days of leaving their request.

With the formal establishment of the Center in Williston, Vermont, ten positions were dedicated to transcribing requests, filing orders, and maintaining the warehouse operation. This has freed-up valuable staff time at local offices which had been used to manage the forms stock for the office and to transcribe and fill recorded requests for forms. Duplicate requests for forms have been eliminated and the public is satisfied by the fact that only one call to INS will ensure that they receive the required form(s) within a few days. Because of the warehousing of millions of forms, storage costs also are minimized by the local field offices where office space can easily be as high as \$30 per square foot. This is five or six times higher than the warehouse cost per square foot. Similar successes can be expected with the establishment of the second Center.

Funding for the Forms Distribution Center (operations and positions) was originally from Legalization Fees because the increase in requests for forms could directly be attributed to the Legalization Program. Currently, there are an insufficient number of positions dedicated to the forms transcription and distribution process to handle the annual Servicewide telephone volume of requests of 800,000 and the distribution of over 2,500,000 forms. A total of 20 positions will be required (10 at each Center) in 1993 to provide service to all INS field offices. Permanent funding for the six Legalization positions currently at the forms center in the East needs

to be identified in addition to funding for the four additional positions required at that Center and the 10 new positions required at the forms center in the West to continue to handle the increasing number of requests related to the Immigration Examinations Fee account.

The dedicated personnel resources will maintain warehouse operations for all forms used, provide transcription services of recorded requests for forms, mail out the requested forms and miscellaneous materials to the requesting public, and maintain production stations and other management reports. Because of state-of-the-art methods used that record forms requests directly onto the ASK IMMIGRATION disk units, transcription can occur from a remote site, such as the Western Forms Center, without having to mail tapes from one office to another.

During the start-up phase, transcribers at the Center will begin dialing directly into ASK IMMIGRATION units at remote locations, transcribing requests and mailing out the requested forms within 24 hours of the incoming telephone request from the public. As the operation becomes more proficient, additional offices outside of the Western Region will be incrementally added until all INS offices in the continental United States are being serviced by one of the two forms centers.

Direct Mail/Regional Service Center Support: An increase of 10 positions, 5 workyears and \$340,000 is requested for the Service Center/Direct Mail support enhancement.

The passage of the Immigration Act of 1990 (IMMACT 90), and the accelerated objective to implement Direct Mail II at the Service Centers, has caused a significant workload increase in the functions associated with Files Management, Information Services and Mail Processing. The new provisions of this legislation are expected to result in a workload of 3,900,000 application forms by 1993.

In 1992, 176 additional positions were funded from the Immigration Examinations Fee Account to support Records and Information activity at the Service Centers. This will provide a total of 216 positions Service-wide in 1992 for the program.

The Information Services and Records personnel in this request will perform essential tasks, such as receiving and distributing mail, collecting and recording fees, ensuring that the applications are correct with the proper supporting documentation for the examiner's review, and securing files and data required, and maintaining an accountable files maintenance operation. The combined workload will be ongoing and increasing.

The services provided by the Information and Records program at the Service Centers are essential to the operation of the Adjudications program at those locations. Without the Information and Records program personnel at the levels as requested, it will be impossible to process mail, collect and records fees and perform files management on a effective and efficient basis. Backlogs will grow, and applications and fees will go without action or at an untimely pace. Backlogs will be the normal basis for operating and the public will not receive timely service.

Freedom of Information Act/Privacy Act Enhancements

An increase of 38 positions, 19 workyears, and \$1,294,000 is requested for Freedom of Information Act/Privacy Act enhancements.

The Freedom of Information Act (FOIA) places a statutory requirement to respond to requests for information within 10 working days. Current INS personnel resources for the FOIA and Privacy Act program are not sufficient to meet this time limit and 97 percent of the offices are out of compliance. With the implementation of the Immigration Act of 1990 (IMMACT 90) this workload will be growing. IMMACT 90 is expected to generate increases in FOIA/PA requests of 10 percent in 1991 and 20 percent each year in 1992 and 1993. It is projected that these increases will be in addition to the normal annual increase of 6,000 per year that INS has experienced over the past five years.

The requested positions will enable the Service to handle the additional FOIA/PA workload expected in 1993 as a result of IMMACT 90. The allocation of resources requested will be made based on the assumption that the 10-day time limit of the FOIA can be met at most offices given a ratio of one FOIA/PA position per 650 requests received. With the additional 38 positions, FOIA/PA processing time will more closely comply with the 10-day response time required by the law.

Insufficient personnel resources result in delayed requests which generate additional workload in other INS programs to answer Congressional, White House, and other inquiries into the status of requests and/or complaints about delays and non-compliance with the FOIA. The additional IMMACT 90 resources will free up non-FOIA/PA program personnel, who are currently being diverted to respond to FOIA/PA requests. If INS is in compliance with the statutory 10-day time frame, INS attorneys will have less litigation involving the FOIA/PA program. The majority of the litigation is due to untimeliness in responding to requests for documents for "legal immigration" efforts.

Once INS is in compliance with the 10-day time limit, the Department of Justice, Office of Information and Privacy, will receive fewer appeals based on INS non-compliance with the statutory response time. All documents originating with or pertaining to other Government agencies must be referred for direct response or consultation. With the current INS workload, we are unable to respond to the other agencies in a timely manner which results in problems for them in their processing of cases.

Records Operations

An increase of 39 positions, 20 workyears and \$1,024,000 is requested for Records Operations Enhancements.

IMMACT 90 provides for higher rates of immigrant and nonimmigrant entry, and enhances INS enforcement authority. The byproducts of these provisions are increased requirements for information services and records management, including A-file creation, maintenance, transfer, storage and retirement. It is estimated that approximately 500,000 new files will be created each year as a result of IMMACT 90. In addition to the preliminary searches needed for file creation, enhanced law enforcement authority will add significantly to the number of independent searches being performed yearly. With the increase in number of aliens of interest to the Service, there will be an increase in the number of public contacts, in person, by mail, and by telephone. IMMACT 90 also includes provisions that require statistical status reports to the Congress.

The provisions of IMMACT 90 add new record keeping and information requirements on Information and Records program employees and increase existing workload. Personnel currently in field offices are unable to keep up with the current workload and basically focus only on high priority tasks. This request is for 39 positions to cover the expected growth in workload in 1993.

Adequate Records personnel are needed to properly maintain INS automated and paper records and to deal with public inquiries. Insufficient personnel results in delays, backlogs, unnecessary duplication and follow-ups. Records backlogs and delays have the potential to cause delayed or incorrect actions in all service programs.

Other bureaus and divisions of the Department of Justice and other Federal agencies depend upon accurate and current INS data. INS information is used by law enforcement agencies within and outside of the Department of Justice. Federal programs participating in the INS Systematic Alien Verification for Entitlements (SAVE) program and other agencies such as the Social Security Administration use INS data to determine eligibility of aliens applying for benefits and privileges.

Support Contracts

An increase of \$1,300,000 is requested for records functional support contracts for the Service Centers. Many of the records functions at the Service Centers are done under contract to perform functions that include: mail operations, fee processing, file management, and data collection and capture. (The use of contractors in this program is consistent with the goals and intent of OMB Circular A-76 which calls for the privatization of certain government functions which may be appropriately performed by the private sector.) The establishment of the Service Centers had a significant impact on the information and records management programs whose functions are critical to the overall operations of the Centers. To provide the records support needed for efficient operations, it was determined that the use of contractors would be the most effective means of acquiring the resources rather than expand permanent staffing. Experience has shown that local contractors have been able to maintain sufficient staffing to carry out the records functions at the Service Centers without interruptions and problems. Contractors have also demonstrated the ability to reduce delays, backlogs and duplication of effort.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|-------------------|--------------------|----|--------|-----------|----|--------|---------------|----|--------|-------------------|-----|
| | Per. | MX | Amount | Per. | MX | Amount | Per. | MX | Amount | Per. | MX |
| Intelligence..... | 0 | 0 | \$352 | 0 | 0 | \$375 | 0 | 0 | \$375 | ... | ... |

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

Major Objectives:

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components associated with the Adjudications and Naturalization program.

Furnish assistance in the detection of fraudulent identity documents to INS components and international law enforcement agencies.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act and provisions of the Immigration Reform and Control

Act (IRCA).

Base Program Description: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, and false claims to citizenship and other fraudulent claims.

| | 1992 Appropriation Anticipated | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------------------|--------------------------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Field Management and Support | ... | ... | ... | ... | 10 | 5 \$288 | 10 | 5 \$288 |

Long Range Goal: To provide management direction to field units that implement major policy and management decisions.

Major Objectives:

Ensure effective law enforcement and uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Base Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs.

Accomplishments: The Field Management and Support program provides management direction to field units on implementing INS policy and initiatives at the field level, particularly in the coordination of resources supplied by several programs in support of Adjudications operations.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Field Management and Support..... | ... | ... | 10 | 5 \$288 | 10 | 5 \$288 |

An increase of 10 positions, 5 workyears and \$288,000 is requested to provide increased support for the Adjudications and Naturalization program and other programs under the Immigration Examinations Fee Account. The resources will enable the Field Management and Support program to provide essential support services at the field office level that are attributable to workload generated by the Adjudications and Naturalization program.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|---------------------|--------------------|----|---------|-----------|----|---------|---------------|----|---------|-------------------|-------|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Legal Proceedings.. | 38 | 38 | \$2,477 | 38 | 38 | \$2,660 | 38 | 38 | \$3,071 | ... | \$411 |

Long Range Goal: To provide legal representation for the United States Government in all cases and matters related to the Immigration Examinations Fee Account.

Major Objectives:

Provide legal support and representation in regard to asylum, rescission, contested naturalization, visa petitions and adjustment of status cases.

Base Program Description: INS attorneys represent the Service in asylum and naturalization cases.

Accomplishments and Workload: Accomplishments of the Legal Proceedings Program are presented in the following table:

| ITEM | 1990 | | 1991 | | 1992 | | 1993 | |
|--|-------|--------|-------|--------|-------|--------|-------|--------|
| | Perm. | NY | Perm. | NY | Perm. | NY | Perm. | NY |
| Attorney Appearances for: | | | | | | | | |
| Administrative Relief in Asylum Cases..... | | 35,938 | | 27,983 | | 35,950 | | 41,250 |
| Rescission Cases..... | | 211 | | 133 | | 220 | | 250 |
| Contested Naturalization Cases..... | | 162 | | 404 | | 170 | | 195 |
| Legal Briefs Prepared..... | | 2,926 | | 2,775 | | 2,950 | | 3,380 |
| Total Work Units..... | | 39,236 | | 31,295 | | 39,290 | | 45,075 |

Program Changes:

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|------------------------|-----------|----|---------|---------------|----|---------|-------------------|-------|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Legal Proceedings..... | 38 | 38 | \$2,660 | 38 | 38 | \$3,071 | ... | \$411 |

An increase of \$411,000 is requested to expand support for a broad range of activities. Resources are required in this program to add support to existing personnel in the implementation of the Immigration Act of 1990. The Act's numerous provisions are expected to result in an increase in litigation in areas where the law is not clear and where, in new provisions, legal precedents do not exist. Since this workload may vary considerably particularly in the short term, the addition of resources to support existing personnel is a means of handling temporary growth of IMMACT 90 related cases. During the 1990's it is also likely that the Service will continue to face litigation related to the agency's political asylum activities. Enhancing support resources should also allow existing personnel to cover asylum-related court cases. Resources are requested for overtime, travel, contractual services and supplies.

| Activity: Program Direction | | 1992 Appropriation | | | | 1991 Base | | | | 1993 Estimate | | | | Increase/Decrease | |
|---|--|--------------------|----|--------|------|-----------|---------|--------|----|---------------|------|-------|--------|-------------------|----|
| | | Anticipated | | Perm. | | Pos. | | Perm. | | Pos. | | Perm. | | Pos. | |
| | | Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY |
| Administrative Services... | | 22 | 22 | \$731 | 22 | 22 | \$1,070 | 37 | 30 | \$1,502 | 15 | 6 | \$432 | | |
| Long Range Goal: To provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements. | | | | | | | | | | | | | | | |
| Major Objectives: | | | | | | | | | | | | | | | |
| Provide accounting support services and program direction as related to the Immigration Examinations Fee Account. | | | | | | | | | | | | | | | |
| Provide property management and procurement support and program direction as related to the Immigration Examinations Fee Account. | | | | | | | | | | | | | | | |
| Provide overall management direction and control for all management programs and the full range of security, safety and health support activities as related to the Immigration Examinations Fee Account. | | | | | | | | | | | | | | | |
| Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include personnel, accounting, equal employment opportunity, procurement, property management, fleet management, security and health, and other miscellaneous general services that benefit all programs within INS. | | | | | | | | | | | | | | | |
| Accomplishments and Workload: Accomplishments of the Administrative Services program are presented in the following table: | | | | | | | | | | | | | | | |
| ITEM | | 1990 | | 1991 | | 1992 | | 1993 | | | | | | | |
| Personnel: | | | | | | | | | | | | | | | |
| Personnel Actions..... | | 12,201 | | 15,600 | | 19,500 | | 29,250 | | | | | | | |
| Number of Persons Hired..... | | 269 | | 415 | | 941 | | 1,314 | | | | | | | |
| Position Classification Requests..... | | 220 | | 293 | | 322 | | 354 | | | | | | | |
| Position Review Requests | | | | | | | | | | | | | | | |
| Formal Grievances..... | | 1,666 | | 1,500 | | 1,890 | | 2,715 | | | | | | | |
| Adverse and Disciplinary Actions..... | | 114 | | 174 | | 189 | | 62 | | | | | | | |
| Unfair Labor Practice Charges..... | | 40 | | 45 | | 50 | | 52 | | | | | | | |
| Finance: | | | | | | | | | | | | | | | |
| Bills..... | | 4,000 | | 4,050 | | 4,350 | | 4,550 | | | | | | | |
| Vouchers..... | | 30,400 | | 38,000 | | 41,000 | | 43,000 | | | | | | | |

| ITEM | 1990 | | 1991 | | 1992 | | 1993 | |
|---|-----------|--------|---------------|--------|-------------------|--------|------|--------|
| Equal Employment Opportunity Office: | | | | | | | | |
| EEO Evaluations and Asst. Mgmt. Officials..... | | 88 | | 98 | | 108 | | 263 |
| EEO Discrimination Complaints..... | | 1,299 | | 1,435 | | 1,540 | | 1,819 |
| Training - Supervisors, Employees, and Collateral Duty | | 2 | | 3 | | 5 | | 7 |
| Program Changes: | | | | | | | | |
| | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | |
| | Per. | MX | Per. | MX | Per. | MX | Per. | MX |
| | FOAL | Amount | FOAL | Amount | FOAL | Amount | FOAL | Amount |
| Administrative Services..... | 22 | 22 | 37 | 30 | 15 | 8 | 15 | \$432 |
| Total program changes of 15 positions, 8 workyears, and \$432,000 are requested to provide increased administrative support services in the areas of personnel, accounting, equal employment opportunity, procurement, property management, security, safety and health, and other miscellaneous general services. | | | | | | | | |
| The additional positions requested for the Administrative Services decision unit will bring this program up to a more acceptable resource level, and will provide the additional administrative support services necessary to accomplish the increased workload caused by the programs funded under the Immigration Examinations Fee Account. | | | | | | | | |

Immigration and Naturalization Service
Immigration Examinations Fee

Detail of Permanent Positions by Category

Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Authorized | 1993 | |
|--|--------------------|--------------------|----------------------|-------|
| | | | Program Increases | Total |
| Personnel Management (200 - 299)..... | 956 | 1,283 | 148 | 1,431 |
| General Administrative and Clerical (300 - 399)..... | 2 | 2 | 9 | 11 |
| Accounting and Budget (500 - 599)..... | 32 | 32 | ... | 32 |
| Attorneys (905)..... | 96 | 96 | 53 | 149 |
| Asylum Officer (930)..... | 25 | 25 | 54 | 79 |
| Contact Representative (962)..... | ... | ... | 2 | 2 |
| Equipment Facilities and Services (1600 - 1699)..... | ... | ... | 2 | 2 |
| General Enforcement and Support (1800 - 1899)..... | 1,168 | 1,384 | ... | 1,384 |
| Immigration Examiners (1816)..... | 2,279 | 2,622 | 277 | 3,099 |
| Total..... | 109 | 125 | 11 | 136 |
| Washington..... | 2,096 | 2,623 | 264 | 2,887 |
| U.S. Field..... | 74 | 74 | 2 | 76 |
| Overseas..... | 2,279 | 2,622 | 277 | 3,099 |
| Total..... | | | | |

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Change
(Dollars in thousands)

| | Work - years | Amount |
|---|-----------------|-----------|
| 1992 appropriation anticipated..... | 2,607 | \$196,916 |
| Mandatory increases: | | |
| 1992 Pay Annualization..... | ... | 982 |
| 1993 Pay Rate..... | ... | 4,847 |
| Within-Grade Increase..... | ... | 1,048 |
| Annualization of 1992 Positions..... | 249 | 9,654 |
| General Pay Reform Act Annualization..... | ... | 1,842 |
| Special Pay Rates..... | ... | 302 |
| Accident Compensation..... | ... | 260 |
| Unemployment Compensation - Increase..... | ... | 44 |
| Foreign Allowance..... | ... | 63 |
| Travel: Mileage..... | ... | 5 |
| General Printing Office (GPO) and Department Printing..... | ... | 899 |
| Distributed Administrative Support (DAS)..... | ... | 67 |
| General Pricing Level Adjustments..... | ... | 2,433 |
| Total, mandatory increases..... | 249 | 22,136 |
| Decreases: | | |
| Nonrecurring costs for 20 temporary positions and contracts in the Special Agricultural Workers Program..... | (20) | (13,739) |
| Nonrecurring costs for 648 new positions approved in 1992..... | ... | (2,442) |
| Total, decreases..... | (20) | (16,181) |
| 1993 Base..... | 2,636 | 202,871 |
| Program changes: | | |
| Adjudications and Naturalization..... | ... | 230 |
| Refugees and Overseas..... | 63 | 6,377 |
| Data and Communications Systems..... | 5 | 19,143 |
| Information and Records Management..... | 71 | 8,845 |
| Field Management..... | 5 | 288 |
| Legal Proceedings..... | ... | 411 |
| Administrative Services..... | ... | 532 |
| Total, program changes..... | 142 | 35,726 |
| 1993 Estimate..... | 2,878 | 238,597 |

Immigration and Naturalization Service

Immigration Examinations Fee

Justification of Adjustments to the Base
(Dollars in thousands)

| | Work- Year | Amount |
|--|---------------|--------|
| Mandatory Increases: | | |
| 1. 1992 Pay Annualization..... This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$757,000 pay and \$205,000 benefits). | ... | \$982 |
| 2. 1993 Pay Rate..... This request provides for the proposed 3.7 percent pay rate to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$4,547,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$3,582,000 for pay and \$965,000 for benefits = \$4,547,000). | ... | 4,547 |
| 3. Within-Grade Increase..... This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$825,000 for pay and \$223,000 for benefits. | ... | 1,048 |
| 4. Annualization of 533 additional positions approved in 1992..... This provides for the annualization of 533 additional positions approved by Congress for 1992. | 249 | 9,654 |

Adjudications and Naturalization - 357 positions
Information and Records Management - 178 positions

| | Approved 1992 Increases | Annualization Required |
|--|----------------------------|---------------------------|
| Annual salary rate of 533 approved positions..... | \$12,704 | ... |
| Other personnel compensation..... | 1,162 | \$809 |
| Less Lapse (46%)..... | (5,853) | 6,176 |
| Net Compensation..... | 8,003 | 6,965 |
| Associated employee benefits..... | 2,271 | 2,226 |
| Total PS and B costs subject to annualization..... | 10,274 | 9,210 |
| GSA rent..... | ... | 444 |
| Total costs subject to annualization..... | 10,274 | 9,654 |

6. General Pay Reform Act Annualization..... 1,842

The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS, 5, 7, and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Also included in the request are the costs for these items unfunded in 1992. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rates and costs-of-living increases. No increases are requested for discretionary allowances.

| | | |
|--|-------|----------|
| 6. Special Pay Rates..... | 5302 | ... |
| This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 78 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991. | | |
| 7. Accident Compensation..... | 250 | ... |
| This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$250,000 over the base. | | |
| 8. Unemployment Compensation - Increase..... | 44 | ... |
| This request provides for the additional costs necessary in 1993 for the Department to continue payment of Unemployment Compensation to Federal employees. This increase is based on the most recent complete annual billing for the Department provided by the Department of Labor and is a result of the increase in the number of Department employees. Based on actual billings, an increase in the amount of \$44,000 is needed. | | |
| 9. Foreign Allowances..... | 83 | ... |
| Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$83,000 provides 5 percent more than the \$1,660,000 budgeted for in 1992. | | |
| 10. Travel - Mileage..... | 5 | ... |
| The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rate within the constraints of the law. The mileage allowance has been raised to 25 cents. This increase provides \$5,000 for this change in allowance. | | |
| 11. Government Printing Office (GPO) and Department Printing..... | 800 | ... |
| GPO is currently projecting a 4 percent increase over the 1992 printing costs. The Department is also projecting a 4 percent increase over the 1992 duplicating costs. An additional \$800,000 will be required in 1993 for printing done either by GPO or the Department's duplicating facilities. | | |
| 12. Distributed Administrative Support (DAS)..... | 67 | ... |
| Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS. The amount of this charge represents a 5 percent increase over the 1992 base of \$1,243,000. | | |
| 13. General Pricing Level Adjustments..... | 2,433 | ... |
| This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. | | |
| Total uncontrollable increases..... | 249 | 22,136 |
| Decreases (Automatic non-policy): | | |
| 1. Nonrecurring costs for 20 temporary positions and contract in the Special Agricultural Workers Program..... | (20) | (13,739) |
| These are nonrecurring costs of temporary positions and contracts in the Special Agricultural Program which is phasing down. | | |
| 2. Nonrecurring costs for 548 new positions approved in 1992..... | ... | (2,442) |
| These are nonrecurring costs of full-field investigations and equipment for 548 positions approved in the Adjudications and Naturalization, Data and Communications Systems, and Information and Records Management Program. | | |
| Total decreases..... | (20) | (16,181) |
| Total, adjustments to the base..... | 229 | 5,955 |

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Grade and salary ranges | 1981 Actual | | 1982 Estimate | | 1983 Estimate | | Increase/Decrease | |
|--|----------------------|----------|----------------------|----------|----------------------|----------|----------------------|----------|
| | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount |
| ES-1, \$47,000..... | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| GM/GS-15, \$44,253-53,602..... | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| GM/GS-14, \$44,607-70,987..... | 84 | 84 | 84 | 84 | 145 | 81 | 61 | 61 |
| GM/GS-13, \$44,210-80,070..... | 103 | 103 | 103 | 103 | 107 | 4 | 4 | 4 |
| GS-12, \$39,261-50,516..... | 328 | 328 | 328 | 328 | 344 | 16 | 16 | 16 |
| GS-11, \$32,423-42,182..... | 748 | 748 | 982 | 982 | 982 | 234 | 234 | 234 |
| GS-9, \$28,788-34,835..... | 80 | 80 | 75 | 75 | 122 | 42 | 42 | 42 |
| GS-8, \$24,982-31,543..... | 5 | 5 | 5 | 5 | 5 | 0 | 0 | 0 |
| GS-7, \$21,905-28,468..... | 99 | 99 | 195 | 195 | 249 | 150 | 150 | 150 |
| GS-6, \$18,715-23,628..... | 47 | 47 | 127 | 127 | 188 | 141 | 141 | 141 |
| GS-5, \$17,886-22,896..... | 436 | 436 | 672 | 672 | 887 | 16 | 16 | 16 |
| GS-4, \$15,808-20,851..... | 307 | 307 | 307 | 307 | 354 | 47 | 47 | 47 |
| GS-3, \$14,802-19,303..... | 40 | 40 | 40 | 40 | 40 | 0 | 0 | 0 |
| GS-2, \$12,805-16,237..... | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 |
| 1983 pay increase..... | | | | | | | | |
| Total, positions..... | 2,279 | \$44,624 | 2,822 | \$44,176 | 3,069 | 100,028 | 277 | 18,560 |
| Pay above stated annual rate..... | 24 | 24 | 24 | 24 | 24 | 0 | 0 | 0 |
| Leaves..... | -434 | -8,128 | -445 | -11,216 | -331 | -10,322 | 114 | 894 |
| Bridge due to lower pay scale part of year..... | | -808 | | -787 | | -1,127 | | -370 |
| Net full-time permanent..... | 1,845 | \$5,164 | 2,377 | \$25,850 | 2,738 | \$4,961 | 361 | \$1,111 |
| Other than permanent: | | | | | | | | |
| Temporary employment..... | 305 | 8,898 | 230 | 4,782 | 210 | 4,830 | -20 | 1,106 |
| Other personnel compensation: | | | | | | | | |
| Overline..... | 232 | 4,646 | 208 | 2,301 | 214 | 4,089 | 6 | 1,782 |
| Administratively uncontrollable overline..... | 48 | 970 | 48 | 1,011 | 48 | 1,048 | 0 | 37 |
| Other compensation..... | 31 | 617 | 31 | 681 | 31 | 678 | 0 | 34 |
| Special personal services payments..... | | 43 | | 59 | | 61 | | 2 |
| Total, temporary and personnel compensation..... | 2,462 | 73,967 | 2,495 | 61,604 | 2,272 | \$9,763 | 377 | \$1,184 |
| Average ES Salary..... | | \$74,503 | | \$67,000 | | \$61,049 | | \$51,049 |
| Average GS/GM Salary..... | | \$38,700 | | \$38,698 | | \$31,092 | | \$31,092 |
| Average GS/GM Grade..... | | (8.79) | | (8.79) | | (8.67) | | (8.67) |

Immigration and Naturalization Service
Immigration Examination Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Object Class | 1961 Actual | | 1962 Estimate | | 1963 Estimate | | Increase/Decrease | |
|--|-------------|---------|---------------|-----------|---------------|---------|-------------------|----------|
| | Workyears | Amount | Workyears | Amount | Workyears | Amount | Workyears | Amount |
| 11.1 Full-time permanent..... | 1,646 | 666,164 | 2,277 | 972,650 | 2,768 | 666,861 | 361 | \$16,111 |
| 11.2 Other than full-time permanent..... | 305 | 8,436 | 230 | 4,732 | 810 | 4,830 | -20 | 106 |
| 11.3 Other personnel compensation..... | 312 | 6,132 | 266 | 3,063 | 264 | 6,616 | 6 | 1,653 |
| 11.4 Special personnel services payments..... | 43 | 73,667 | ... | 89 | ... | 61 | ... | 2 |
| Total, workyears and personnel compensation..... | 2,463 | 756,677 | 2,863 | 1,061,604 | 3,772 | 687,768 | 377 | 16,164 |
| 12 Personnel benefits..... | 16,008 | ... | 22,010 | 27,756 | ... | ... | ... | 6,748 |
| 13 Benefits for former personnel..... | 9 | ... | 18 | ... | ... | 63 | ... | 46 |
| 21 Travel and transportation of persons..... | 2,162 | ... | 6,119 | ... | ... | 6,166 | ... | 1,067 |
| 22 Transportation of things..... | 1,072 | ... | 601 | ... | ... | 1,100 | ... | 106 |
| 23.1 GSA rent..... | 7,200 | ... | 10,264 | ... | ... | 12,671 | ... | 2,607 |
| 23.2 Rental payments to others..... | 1,869 | ... | 1,267 | ... | ... | 1,266 | ... | 31 |
| 23.3 Comm., utilities and misc. charges..... | 6,162 | ... | 6,562 | ... | ... | 6,614 | ... | 632 |
| 24 Printing and reproduction..... | 2,369 | ... | 2,679 | ... | ... | 3,677 | ... | 668 |
| 25 Other services..... | 66,646 | ... | 60,762 | ... | ... | 71,866 | ... | 11,214 |
| 26 Supplies and materials..... | 3,279 | ... | 2,662 | ... | ... | 3,467 | ... | 605 |
| 31 Equipment..... | 4,773 | ... | 3,942 | ... | ... | 3,616 | ... | -127 |
| 32 Land and structures..... | 6 | ... | 7 | ... | ... | ... | ... | ... |
| 42 Insurance claims and indemnities..... | 104 | ... | ... | ... | ... | ... | ... | ... |
| 44 Refunds..... | ... | ... | ... | ... | ... | ... | ... | ... |
| 61 Unexpended..... | 164,647 | ... | 166,316 | ... | ... | 238,667 | ... | 41,661 |
| Total obligations..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Relation of obligations to outlays: | ... | ... | ... | ... | ... | ... | ... | ... |
| Total obligations..... | 164,647 | ... | 166,316 | ... | ... | 238,667 | ... | ... |
| Outlays balance, start-of-year..... | ... | ... | 2,610 | ... | ... | ... | ... | ... |
| Outlays balance, end-of-year..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Adjustments in surplus of accounts..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Outlays..... | 176,767 | ... | 169,326 | ... | ... | 238,667 | ... | ... |

Department of Justice
Immigration and Naturalization Service
Land Border Inspection Fee
Estimates for Fiscal Year 1993
Table of Contents

| | Page Number |
|--|----------------|
| Summary Statement..... | 1 |
| Summary of Requirements..... | 2 |
| Summary of Resources by Program..... | 3 |
| Justification of Program and Performance Inspections..... | 4 |
| Financial Analysis - Program Changes..... | 6 |
| Justification of Adjustments to Base..... | 7 |
| Summary of Requirements by Grade and Object Class..... | 8 |

Immigration and Naturalization Service

Land Border Inspection Fee

Summary Statement

Fiscal Year 1993

The Land Border Inspection Fee account was authorized in Section 210 of the Department of Justice Appropriations Act, 1991 (P.L. 101-515). The Act authorizes the Attorney General to establish, by regulation, pilot projects under which fees may be charged and collected for inspection services provided at one or more land border ports-of-entry to study the feasibility of charging fees to enhance services at land border ports-of-entry. The statute indicates that the projects may include the establishment of computer lanes to be made available to qualified United States citizens and aliens. Currently, the Immigration and Naturalization Service is operating a test pilot site in Glaine, Washington, and studying several potential sites for additional pilot projects. The authorization for the Land Border Inspection Fee project terminates on September 30, 1993, unless it is extended by the Congress.

Immigration and Naturalization Service

Land Border Inspection Fee

Summary of Requirements
(Dollars in thousands)

| | 1991 Actual | 1992 Estimate | 1993 Estimate |
|--|-------------|---------------|---------------|
| Financing | | | |
| Unappropriated balance, start of year..... | ... | \$149 | \$149 |
| Receipts..... | \$159 | 1,991 | 4,000 |
| Total available for appropriation..... | 159 | 2,140 | 4,149 |
| Appropriation..... | -10 | -1,991 | -4,000 |
| Unappropriated balance available, end of year..... | 149 | 149 | 149 |
| Obligations by program | | | |
| Enforcement: | | | |
| Inspections..... | 10 | 1,991 | 4,000 |
| Total obligations..... | 10 | 1,991 | 4,000 |

Immigration and Naturalization Service

Land Border Inspection Fee

Summary of Resources by Program

(Dollars in thousands)

| | 1991 as Enacted | | 1991 Actual | | 1992 Appropriation Anticipated | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|----------------------|-----------------|-----|-------------|------|--------------------------------|---------|-----------|---------|---------------|---------|-------------------|---------|
| | WY | Amk | WY | Amk | WY | Amk | WY | Amk | WY | Amk | WY | Amk |
| Estimates by program | | | | | | | | | | | | |
| Enforcement: | | | | | | | | | | | | |
| Inspections..... | .. | .. | .. | \$10 | 23 | \$1,991 | .. | \$2,038 | .. | \$4,000 | 8 | \$1,964 |

163

Immigration and Naturalization Service
Land Border Inspection Fee
Justification of Program and Performance
(Dollars in Thousands)

| Activity: Enforcement | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | | |
|-----------------------|--------------------|-------------|-----------|-------------|---------------|-------------|-------------------|-------------|---------|-----|---|---------|
| | Perm. | Anticipated | Perm. | Anticipated | Perm. | Anticipated | Perm. | Anticipated | | | | |
| | Pos. | NY | Pos. | NY | Pos. | NY | Pos. | NY | | | | |
| Inspections..... | ... | 23 | \$1,991 | ... | 23 | \$2,036 | ... | 31 | \$4,000 | ... | 8 | \$1,964 |

Long-Range Goal: Ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

Major Objectives:

Establish Land Border Inspection Fee Pilot projects that will expand the number of inspectors at specific test locations, facilitate traffic flow, and provide more efficient service to the public.

Inspect (in cooperation with other Federal agencies) applicants for admission into the United States.

Facilitate the entry of qualified persons through ports-of-entry.

Prevent the entry of inadmissible applicants through ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

Base Program Description: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents or prior information. Local and National lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry into the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation.

Land border inspections are currently funded from the Service's basic appropriation. Since 1984 the land border inspections workload has increased by over 34 percent, while staffing at these land border ports has increased by only 13 percent.

P.L. 101-515 authorized INS to establish land border inspection fee pilot projects under which fees may be charged and collected for inspection services provided at one or more land border ports-of-entry to study the feasibility of supporting land border inspections through fee collection and improving service to the public. Initial plans are to establish commuter lanes for qualified U.S. citizens and aliens. It is anticipated that

establishment of commuter lanes will facilitate processing and reduce backlogs at land border ports.

Accomplishments and Workload. Accomplishments of the inspections program are presented in the following table:

| Item | Estimates | | |
|---|-----------|--------|-----------|
| | 1990 | 1991 | 1992 |
| Vehicles Inspected-Land Border Fee..... | ... | 56,290 | 1,200,000 |
| | | | 2,250,000 |

The inspections program at land border ports has experienced increasing workload levels. Total inspections in 1991 were over 419 million, up 11 percent from 1989. Based on consistent increases in traffic, the number of inspections in 1992 are projected to be 450 million. In 1991, 802,690 inadmissible aliens were intercepted at land border ports, representing a rate of two detections per 1,000 inspections, continuing the high level of interceptions noted in recent years. Improvements in methodology and techniques of detecting fraudulent attempts to enter into the United States are ongoing. Operational innovations leading to improvements in both border enforcement and facilitation of international travel continue to receive priority.

During 1991, INS developed the initial test prototype for the Blaine, Washington port-of-entry. The Blaine computer facilitation involves, on an annual basis, issuance of special express lane passes to an estimated 20,500 vehicles. As of September 30, 1991, 6,337 passes had been issued at Blaine, generating nearly \$159,000 in fees. These vehicles are low risk frequent crossers and represent an average of 15 percent of the total vehicle traffic processed annually at Blaine. Permit vehicles will be funnelled through special express lanes to allow for more efficient processing into the United States.

Program Changes

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|------------------|-----------|------------|---------------|------------|-------------------|----------|
| | Per. | Amount | Per. | Amount | Per. | Amount |
| Inspections..... | ... | 23 \$2,036 | ... | 31 \$4,000 | ... | \$ 1,964 |

Pending analysis of the results of the Blaine computer test, INS believes that further use of the Land Border Fee concept may be warranted. While the dedicated computer lane (DCL) can be used to facilitate traffic at ports-of-entry, it is not practical to implement DCL's at every port-of-entry. Considerations for determining DCL locations include: availability of a low-risk, frequent border crossing population; adequate infrastructure, such as roads and additional lanes, that will permit implementation without negative impact on existing inspection lanes while providing the desired expedited service to the target population; and local community support. Additional test projects will be selected and developed in conjunction with the U.S. Customs Service and are scheduled for implementation during 1992. Projected receipts and obligations totaling an estimated \$4,000,000 contained in this budget request for 1993 are based on 160,000 fee participants at multiple pilot locations on the Northern and Southern borders.

Use of special express facilities by commuters, staffed and equipped with resources collected through imposing a \$25 annual fee, is expected to both improve service to the frequent crossers and alleviate the traffic load passing through the main port requiring full inspection processing.

Immigration and Naturalization Service
Land Border Inspection Fee

Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Inspections | |
|---|-------------|--------|
| | WY | Amount |
| Other than permanent..... | 8 | \$237 |
| Other personnel compensation..... | 4 | 92 |
| Personnel benefits..... | ... | 78 |
| Other services..... | ... | 1,547 |
| Equipment..... | ... | 10 |
| Total, program workyears and obligations changes requested, 1993..... | 12 | 1,864 |

Immigration and Naturalization ServiceLand Border Inspection FeeJustification of Adjustments to the Base
(Dollars in thousands)

| | Amount |
|--|--------|
| Mandatory Increases: | |
| 1. 1993 Pay Raise..... | \$40 |
| This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$40,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$35,000 for pay and \$5,000 for benefits = \$40,000). | |
| 2. Special Pay Rates..... | 3 |
| This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991. | |
| 3. Accident Compensation..... | 2 |
| This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$2,000. | |
| Total uncontrollable increases..... | 45 |
| Total, adjustments to the base..... | 45 |

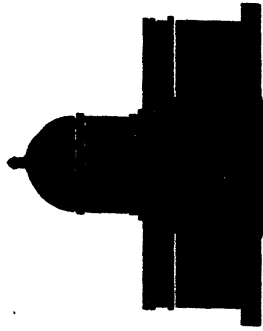
Immigration and Naturalization Service

Land Border Inspection Fee

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|--|-------------|--------|---------------|--------|---------------|--------|-------------------|--------|
| | Workyears | Amount | Workyears | Amount | Workyears | Amount | Workyears | Amount |
| 11.3 Other than permanent: | | | | | | | | |
| Other part-time and intermittent employment..... | ... | ... | 23 | \$561 | 31 | \$668 | 8 | \$277 |
| 11.5 Other personnel compensation: | | | | | | | | |
| Overtime..... | ... | \$2 | ... | ... | ... | ... | ... | ... |
| 1931 Act Overtime..... | ... | ... | 9 | 230 | 13 | 328 | 4 | 98 |
| Total, workyears and personnel compensation..... | ... | ... | 32 | 821 | 44 | 1,193 | 12 | 372 |
| 12 Personnel benefits..... | | | | | | | | |
| 25 Other services..... | ... | ... | ... | 120 | ... | 200 | ... | 80 |
| 28 Supplies and materials..... | ... | ... | ... | 1,040 | ... | 2,867 | ... | 1,847 |
| 31 Equipment..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total obligations..... | ... | ... | 10 | 1,981 | 44 | 4,000 | 12 | 2,009 |
| Relation of obligations to outlays: | | | | | | | | |
| Obligated balance, start-of-year..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Obligated balance, end-of-year..... | ... | ... | ... | 1,991 | ... | 4,000 | ... | ... |
| Outlays..... | ... | ... | 10 | ... | ... | ... | ... | ... |

Immigration and Naturalization Service



*1993 BUDGET
BEFORE CONGRESS*

March 5, 1992

Table of Contents

| <u>Topic</u> | <u>Page Number</u> |
|--|--------------------|
| <u>Summary of Resources Available</u> | 1 |
| <u>Summary of Resources by Account:</u> | |
| Appropriated Account..... | 2 |
| Immigration User Fee Account..... | 3 |
| Immigration Examinations Fee Account..... | 4 |
| Immigration Legalization Account..... | 5 |
| Land Border Inspections Fee Account..... | 6 |
| <u>Enhancements by Program to Appropriated Account:</u> | |
| 1993 Enhancements..... | 7 |
| Additional Funding..... | 8 |
| Border Patrol Program..... | 9 |
| Investigations Program..... | 10 |
| Detention and Deportation Program..... | 11 |
| Construction and Engineering Program..... | 12 |
| Legal Proceedings Program..... | 13 |
| <u>Attorney General's 1992 Proposed Reprogramming:</u> | |
| Summary of Resources Available After 1992 Reprogramming..... | 14 |
| Basic Account..... | 15 |
| Immigration User Fee Account..... | 16 |
| Immigration Examinations Fee Account..... | 17 |

Immigration and Naturalization Service

Summary of Resources Available

1992 1993

Appropriated Account \$945,741 \$1,066,577

| | | |
|--------------------------------------|---------|---------|
| Immigration User Fee Account | 192,829 | 215,982 |
| Immigration Examinations Fee Account | 196,916 | 238,597 |
| Immigration Legalization Account | 17,995 | 4,222 |
| Land Border Inspections Fee Pilot | 1,991 | 4,000 |

Total Resources Available \$1,355,472 \$1,529,378

**Immigration and Naturalization Service
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)**

| Estimates by Program | 1991 Actual | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | | |
|--------------------------------------|-------------|--------|----------|--------------------|-------------|----------|-----------|--------|-----------|---------------|--------|-----------|-------------------|------|--------|---------|
| | Perm. | WY | Amount | Perm. | Anticipated | Perm. | Pos. | WY | Amount | Perm. | Pos. | WY | Amount | Pos. | WY | Amount |
| Enforcement: | | | | | | | | | | | | | | | | |
| Inspections..... | 1,033 | 1,265 | \$73,289 | 1,150 | 1,498 | \$88,122 | 1,145 | 1,561 | \$96,142 | 1,145 | 1,561 | \$96,136 | ... | ... | ... | (56) |
| Border Patrol..... | 4,928 | 4,357 | 295,517 | 4,948 | 4,635 | 319,973 | 4,927 | 4,636 | 344,478 | 5,127 | 4,666 | 352,466 | 200 | 60 | 8,008 | ... |
| Investigations..... | 1,625 | 1,421 | 97,649 | 1,557 | 1,458 | 105,664 | 1,536 | 1,436 | 111,940 | 1,632 | 1,463 | 116,633 | 94 | 24 | 3,643 | ... |
| Anti-Smuggling..... | 333 | 260 | 20,742 | 321 | 301 | 22,602 | 317 | 297 | 23,600 | 317 | 297 | 23,770 | ... | ... | ... | (30) |
| Detention and Deportation..... | 1,510 | 1,456 | 147,184 | 1,520 | 1,491 | 161,037 | 1,487 | 1,497 | 168,207 | 1,736 | 1,560 | 188,878 | 248 | 63 | 21,672 | ... |
| Employer and Labor Relations..... | 50 | 42 | 5,066 | 49 | 46 | 5,064 | 49 | 46 | 5,262 | 49 | 46 | 5,253 | ... | ... | ... | (9) |
| Subtotal..... | 9,460 | 8,821 | 641,477 | 9,545 | 9,429 | 702,482 | 9,463 | 9,476 | 748,829 | 10,008 | 9,613 | 783,107 | 543 | 137 | 33,276 | ... |
| Immigration Support: | | | | | | | | | | | | | | | | |
| Training..... | 106 | 113 | 15,228 | 105 | 99 | 11,313 | 104 | 96 | 11,635 | 104 | 96 | 11,628 | ... | ... | ... | (7) |
| Data and Communications Svcs..... | 167 | 141 | 44,010 | 165 | 154 | 43,076 | 170 | 159 | 58,972 | 170 | 159 | 57,890 | ... | ... | ... | (1,082) |
| Information and Records Mgmt..... | 1,101 | 1,173 | 51,946 | 1,084 | 1,078 | 55,151 | 1,078 | 1,073 | 59,477 | 1,079 | 1,073 | 58,447 | ... | ... | ... | (30) |
| Intelligence..... | 62 | 44 | 3,976 | 62 | 59 | 4,967 | 61 | 58 | 5,397 | 61 | 58 | 5,368 | ... | ... | ... | (29) |
| Research and Development..... | 4 | 2 | 1,413 | 4 | 4 | 536 | 4 | 4 | 544 | 4 | 4 | 544 | ... | ... | ... | ... |
| Construction and Engineering..... | 13 | 15 | 19,366 | 13 | 12 | 17,006 | 13 | 12 | 17,469 | 13 | 12 | 19,263 | ... | ... | ... | 1,794 |
| Field Management and Support..... | 285 | 303 | 20,967 | 281 | 258 | 21,478 | 280 | 257 | 22,601 | 280 | 257 | 22,562 | ... | ... | ... | (39) |
| Legal Proceedings..... | 459 | 401 | 29,170 | 454 | 426 | 30,470 | 453 | 426 | 32,033 | 546 | 448 | 34,441 | 93 | 23 | 2,408 | ... |
| Subtotal..... | 2,197 | 2,182 | 186,076 | 2,168 | 2,090 | 183,995 | 2,164 | 2,066 | 207,146 | 2,257 | 2,109 | 210,213 | 93 | 23 | 3,065 | ... |
| Program Direction: | | | | | | | | | | | | | | | | |
| Executive Direction and Control..... | 102 | 119 | 14,259 | 100 | 94 | 8,926 | 100 | 94 | 9,247 | 100 | 94 | 9,223 | ... | ... | ... | (24) |
| Administrative Services..... | 442 | 502 | 49,534 | 397 | 372 | 50,336 | 396 | 371 | 64,839 | 396 | 371 | 64,034 | ... | ... | ... | (805) |
| Subtotal..... | 544 | 621 | 63,793 | 497 | 466 | 59,264 | 496 | 465 | 74,086 | 496 | 465 | 73,257 | ... | ... | ... | (629) |
| Total..... | 12,221 | 11,634 | 891,346 | 12,210 | 11,965 | 945,741 | 12,123 | 12,027 | 1,031,063 | 12,759 | 12,187 | 1,066,577 | 636 | 160 | 35,514 | ... |

Immigration and Naturalization Service

Immigration User Fee

Summary of Resources by Program

(Dollars in thousands)

| | 1981 Actual | | | 1982 Appropriation Anticipated | | | 1983 Base | | | 1983 Estimate | | | Increase/Decrease | | |
|--------------------------------------|-------------|-------|-----------|--------------------------------|-------|-----------|-----------|-------|-----------|---------------|-------|-----------|-------------------|-----|----------|
| | Perm. | WY | Amount | Perm. | WY | Amount | Perm. | WY | Amount | Perm. | WY | Amount | Pos. | WY | Amount |
| Estimates by Program | | | | | | | | | | | | | | | |
| Enforcement: | | | | | | | | | | | | | | | |
| Inspections..... | 1,916 | 1,634 | \$101,535 | 1,925 | 2,051 | \$123,351 | 1,925 | 2,051 | \$132,206 | 2,173 | 2,176 | \$143,654 | 248 | 124 | \$11,448 |
| Investigations..... | 12 | 10 | 781 | 22 | 15 | 1,005 | 22 | 22 | 1,414 | 22 | 22 | 1,414 | ... | ... | ... |
| And - Smuggling..... | 22 | 21 | 1,320 | 27 | 25 | 1,720 | 27 | 27 | 1,979 | 27 | 27 | 1,979 | ... | ... | ... |
| Detention and Deportation..... | 104 | 83 | 21,378 | 137 | 119 | 30,282 | 137 | 137 | 31,007 | 137 | 137 | 31,007 | ... | ... | ... |
| Subtotal..... | 2,053 | 1,758 | 124,962 | 2,111 | 2,210 | 166,358 | 2,111 | 2,237 | 168,606 | 2,359 | 2,361 | 176,064 | 248 | 124 | 11,448 |
| Citizenship and Benefits: | | | | | | | | | | | | | | | |
| Refugees and Overseas..... | ... | ... | 741 | ... | ... | 250 | ... | ... | 285 | ... | ... | 285 | ... | ... | ... |
| Immigration Support: | | | | | | | | | | | | | | | |
| Training..... | 6 | 7 | 371 | 6 | 6 | 602 | 6 | 6 | 531 | 6 | 6 | 531 | ... | ... | ... |
| Data and Communications System | 27 | 16 | 21,860 | 27 | 27 | 26,112 | 27 | 27 | 26,020 | 31 | 29 | 28,520 | 4 | 2 | 3,500 |
| Intelligence..... | 10 | 8 | 820 | 24 | 17 | 1,588 | 24 | 24 | 1,809 | 24 | 24 | 1,809 | ... | ... | ... |
| Construction and Engineering..... | 1 | 2 | 105 | 2 | 2 | 84 | 2 | 2 | 126 | 2 | 2 | 126 | ... | ... | ... |
| Field Management and Support..... | 4 | ... | 144 | 4 | 4 | 247 | 4 | 4 | 263 | 4 | 4 | 263 | ... | ... | ... |
| Legal Proceedings..... | 23 | 23 | 1,574 | 23 | 23 | 1,600 | 23 | 23 | 1,709 | 23 | 23 | 1,827 | ... | ... | 231 |
| Subtotal..... | 76 | 61 | 24,804 | 90 | 83 | 32,143 | 90 | 90 | 28,464 | 94 | 92 | 33,185 | 4 | 2 | 3,731 |
| Program Direction: | | | | | | | | | | | | | | | |
| Executive Direction and Control..... | 3 | 1 | 102 | 3 | 3 | 200 | 3 | 3 | 211 | 3 | 3 | 211 | ... | ... | ... |
| Administrative Services..... | 60 | 39 | 2,556 | 60 | 60 | 3,878 | 60 | 60 | 4,277 | 60 | 60 | 4,277 | ... | ... | ... |
| Subtotal..... | 63 | 40 | 2,658 | 63 | 63 | 4,078 | 63 | 63 | 4,488 | 63 | 63 | 4,488 | ... | ... | ... |
| Total..... | 2,191 | 1,859 | 152,997 | 2,264 | 2,356 | 192,829 | 2,264 | 2,390 | 200,803 | 2,516 | 2,516 | 216,982 | 252 | 126 | 15,178 |

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Resources by Program
(Dollars in thousands)

| | 1991 Actual | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|---------------------------------------|-------------|-------|-----------|--------------------|-------|-----------|-----------|-------|-----------|---------------|-------|-----------|-------------------|-----|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY |
| Estimates by program | | | | | | | | | | | | | | |
| Citizenship and Benefits: | | | | | | | | | | | | | | |
| Adjudications & Naturalization..... | 1,814 | 1,783 | \$115,862 | 2,166 | 1,899 | \$121,831 | 2,156 | 2,052 | \$126,828 | 2,158 | 2,052 | \$127,058 | ... | ... |
| Refugees & Overseas..... | 310 | 190 | 25,236 | 310 | 373 | 29,915 | 310 | 373 | 31,784 | 412 | 428 | 39,161 | 102 | 53 |
| Subtotal..... | 2,124 | 1,973 | 141,098 | 2,476 | 2,272 | 151,746 | 2,466 | 2,425 | 158,612 | 2,570 | 2,478 | 166,219 | 102 | 53 |
| Immigration Support: | | | | | | | | | | | | | | |
| Training..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Data & Communications Systems..... | 47 | 40 | 34,591 | 62 | 62 | 31,744 | 62 | 62 | 19,221 | 72 | 67 | 36,364 | 10 | 6 |
| Information & Records Management..... | 40 | 83 | 5,236 | 216 | 185 | 9,866 | 216 | 273 | 20,852 | 356 | 344 | 28,397 | 140 | 71 |
| Intelligence..... | 8 | 1 | 336 | 8 | 8 | 352 | 8 | 8 | 376 | 8 | 8 | 376 | ... | ... |
| Field Management & Support..... | ... | ... | 48 | ... | ... | ... | ... | ... | ... | 10 | 5 | 268 | 10 | 5 |
| Legal Proceedings..... | 38 | 33 | 2,379 | 38 | 38 | 2,477 | 38 | 38 | 2,660 | 38 | 38 | 3,071 | ... | ... |
| Subtotal..... | 133 | 157 | 42,690 | 324 | 313 | 44,439 | 332 | 369 | 43,189 | 462 | 470 | 71,876 | 160 | 81 |
| Program Direction: | | | | | | | | | | | | | | |
| Administrative Services..... | 22 | 20 | 731 | 22 | 22 | 731 | 22 | 22 | 1,070 | 37 | 30 | 1,502 | 15 | 8 |
| Total..... | 2,279 | 2,150 | 184,419 | 2,822 | 2,607 | 196,916 | 2,822 | 2,836 | 202,871 | 3,099 | 2,978 | 238,597 | 277 | 142 |

Immigration and Naturalization Service
Immigration Localization
Summary of Resources by Program
(Dollars in thousands)

| | 1991 Actual | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---|-------------|------|--------|--------------------|------|--------|-----------|------|-------|---------------|---------|-------|-------------------|---------|----|
| | Perm. | Pos. | WY | Perm. | Pos. | WY | Perm. | Pos. | WY | Perm. | Pos. | WY | Perm. | Pos. | WY |
| Estimates by program | | | | | | | | | | | | | | | |
| Citizenship and Benefits: | | | | | | | | | | | | | | | |
| Adjudications and Naturalization..... | 37 | | 247 | \$12,139 | 20 | 82 | \$10,800 | 14 | 14 | 14 | \$1,222 | 14 | 14 | \$1,222 | |
| Immigration Support: | | | | | | | | | | | | | | | |
| Data and Communications Systems..... | 17 | 33 | 10,498 | | | | 1,757 | | | | | | | | |
| Information and Records Management..... | 69 | 89 | 3,972 | 3 | 22 | 1,052 | | | | | | | | | |
| Intelligence..... | 15 | 21 | 878 | | | | | | | | | | | | |
| Construction and Engineering..... | 4 | 5 | 5,828 | | | | 1,200 | | | | | | | | |
| Field Management and Support..... | 5 | 10 | 364 | | | | | | | | | | | | |
| Legal Proceedings..... | 5 | 5 | 444 | 2 | 2 | 196 | | | | | | | | | |
| Subtotal..... | 115 | 163 | 22,114 | 5 | 24 | 4,195 | | | | | | | | | |
| Program Direction: | | | | | | | | | | | | | | | |
| Executive Direction and Control..... | 5 | 4 | 211 | | | | | | | | | | | | |
| Administrative Services..... | 18 | 22 | 651 | | | | | | | | | | | | |
| Subtotal..... | 23 | 26 | 1,062 | | | | | | | | | | | | |
| Total, I&N..... | 175 | 438 | 36,315 | 25 | 106 | 14,995 | 14 | 14 | 1,222 | 14 | 14 | 1,222 | | | |
| Office of Special Counsel..... | | | | | | | 3,000 | | | | | 3,000 | | | |
| Total obligations..... | 175 | 438 | 36,315 | 25 | 106 | 17,995 | 14 | 14 | 4,222 | 14 | 14 | 4,222 | | | |

Immigration and Naturalization Service

Land Border Inspections Fee

Summary of Resources by Program

(Dollars in thousands)

| | 1991 Actual | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|----------------------|-------------|------|------|--------------------|------|---------|-----------|------|---------|---------------|------|---------|-------------------|-----------|
| | Perm. | Pos. | WY | Perm. | Pos. | WY | Perm. | Pos. | WY | Perm. | Pos. | WY | Perm. | Pos. |
| Estimates by program | | | | | | | | | | | | | | |
| Enforcement | | | | | | | | | | | | | | |
| Inspections..... | ... | ... | \$10 | ... | 23 | \$1,991 | ... | 23 | \$2,036 | ... | 31 | \$4,000 | ... | 8 \$1,964 |

Immigration and Naturalization Service

ENHANCEMENTS BY PROGRAM
TO APPROPRIATED ACCOUNT

**1993 Enhancements for
Congressional Budget Request**
(Dollars in thousands)

| Decision Unit | 1993 Program Increases/Decreases | | |
|------------------------------------|----------------------------------|------------|---------------|
| | Pos. | WY | Amount |
| Inspections | ... | ... | -\$6 |
| Border Patrol | 200 | 50 | 8,008 |
| Investigations | 94 | 24 | 3,643 |
| Anti-Smuggling | ... | ... | -30 |
| Detention and Deportation | 249 | 63 | 21,672 |
| Employer and Labor Relations | ... | ... | -9 |
| Training | ... | ... | -7 |
| Data and Communications Systems | ... | ... | -1,082 |
| Information and Records Management | ... | ... | -30 |
| Intelligence | ... | ... | -9 |
| Construction and Engineering | ... | ... | 1,794 |
| Field Management and Support | ... | ... | -9 |
| Legal Proceedings | 93 | 23 | 2,408 |
| Executive Direction and Control | ... | ... | -24 |
| Administrative Services | ... | ... | -805 |
| Total | 636 | 160 | 35,514 |

A program decrease of -\$2,820 for equipment purchases is requested to meet budget targets established by the Budget Enforcement Act. This reduction has been distributed to all programs based on equipment budget levels.

**1993 Additional Funding from
Assets Forfeiture Fund Capital Surplus
and Special Forfeiture Fund
(Dollars in thousands)**

| Decision Unit | Additional Funding |
|--|--------------------|
| Border Patrol | |
| Helicopters (SFF) | \$5,300 |
| Data and Communications Systems | |
| CADRE System | 3,260 |
| Office Automation | 2,500 |
| Information Architecture | 2,500 |
| Administrative Services | |
| Replacement Vehicles - Border Patrol Program | 3,800 |
| Replacement Vehicles (SFF) | 5,000 |
| New Vehicles - 100 -Border Patrol Program and 25 - Investigations Program | 2,100 |
| Total | 24,460 |

This additional funding was included in the 1993 Base. These resources are for one year only.

Border Patrol Program



Staffing Increases

The staffing enhancement for 200 positions, 50 workyears and \$8,620,000 (96 pos. - San Diego; 52 pos. - El Paso; 16 pos. - Laredo; 24 pos. - McAllen; 12 pos. - Tucson) addresses three problem areas of the Patrol:

Increasing border wide apprehensions

Reducing the high level of violence and assaults in both the San Diego border area and other Southern border locations.

Maintaining an effective alien and drug smuggling interdiction program between the ports-of-entry.

With the additional agents requested, coupled with new electronic detection equipment purchased in 1991, it will be possible to significantly increase Border Patrol effectiveness in the San Diego area, as well as in other high activity areas along the border.

Program Reduction

A decrease of -\$612,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Investigations Program

Criminal Aliens

50 positions, 13 workyears and \$2,150,000 are requested for the Criminal Alien Program. With these additional resources, the Service will be able to address the criminal alien problem, by expanding efforts to those aliens who are initially coming in contact with the criminal justice system.

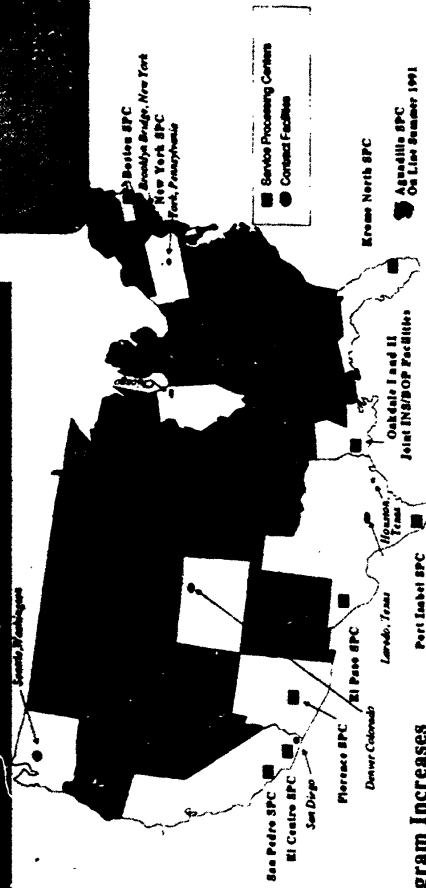
National Enforcement Operations Center

44 positions, 11 workyears and \$1,539,000 are requested for the establishment of a National Enforcement Operations Center which will function 24-hours a day to respond to INS and other law enforcement agency requests for information on aliens.

Program Reduction

A decrease of -\$46,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Detention & Deportation Program



Program Increases

Staffing - This request includes 199 positions, 50 workyears and \$3,627,000 for Service Processing Center staffing. In past years, the Detention and Deportation program has not been provided with adequate staff to support efficient use of its Service Processing Centers.

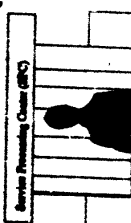
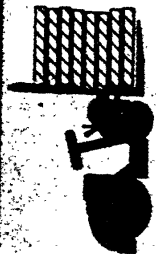
ATD&W - \$12,278,000 is requested for Alien Travel, Detention and Welfare (ATD&W). These additional funds will provide an additional 388,670 SPC detention days at an average cost of \$31.59 per day/per alien.

Detention Contract Funding - 50 positions, 13 workyears and \$3,906,000 is requested to support INS's portion of the 1,000 bed INS/BOP joint contract facility for criminal aliens in the Southwest border area.

Program Reduction

A decrease of \$139,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Construction and Engineering Program



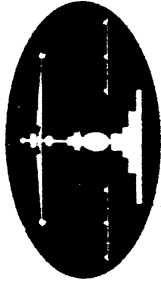
Program Description

\$1,800,000 is requested to construct support facilities at Krome SPC for the 300 bed lockdown men's dormitory in the 1991 budget. These resources will provide support facilities such as dining, recreation, and health care areas needed to accommodate the planned criminal alien population.

Program Reduction

A decrease of ~\$6,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Legal Proceedings Program



Immigration Act of 1990

IMMACT 90 calls for new civil cause of action against immigration document fraud, and significantly impacts on immigration litigation.

Civil Document Fraud

33 positions, 8 workyears and \$843,000 are requested for the Civil Document Fraud Program to provide the necessary legal review and representation.

Criminal Alien Management

60 positions, 15 workyears and \$1,571,000 is requested to accommodate the increased workload resulting from additional Executive Office of Immigration Review (EOIR) Judges authorized in IMMACT 90.

Program Reduction

A decrease of -\$6,000 is necessary to meet targeted budget levels under the Budget Enforcement Act. This reduction will be made in various equipment items.

Immigration and Naturalization Service

Attorney General's 1992 Proposed Reprogramming

Summary of Resources Available
After Attorney General's 1992 Reprogramming

| | 1992 Enacted | 1992 After Reprogramming |
|--------------------------------------|--------------------|-----------------------------|
| Appropriated Account | \$945,741 | \$945,741 |
| Immigration User Fee Account | 192,829 | 211,244 |
| Immigration Examinations Fee Account | 196,916 | 270,382 |
| Immigration Legalization Account | 17,995 | 17,995 |
| Land Border Inspections Fee Pilot | 1,991 | 1,991 |
| Total Resources Available | \$1,355,472 | \$1,447,353 |

Basic Account

Border Patrol Program

This proposed reprogramming provides resources of \$5,838,000 to support hiring of 300 border patrol agents (San Diego, 104; El Paso, 87; Laredo, 44; McAllen Sector, 40; and Tucson Sector, 25). This increase will address needs related to the increasing number of apprehensions along the Southern border, the increasing prevalence of violence and assaults in the San Diego border area and other Southern border locations, and the maintenance of an effective interdiction program between ports-of-entry.

Investigations Program

Resources of 200 positions, 50 workyears, and \$3,434,000 are proposed for the Investigations Program. These resources will be used to hire general investigator positions that will have a journeyman GS-9 level and assist special agents in performance of lower-level investigative work--200 INS special agents will be freed up to do additional work involving criminal aliens and employer sanctions cases. (150 special agents to do complex criminal alien work and 50 special agents to do complex employer sanctions cases.)

Equipment

First year training, equipment and vehicle costs of approximately \$11 million are being funded through the INS Enforcement Fines Account and the 1991 Assets Forfeiture Fund Capital Surplus. Some equipment costs may be offset by equipment obtained from the Department of Defense.

Summary

| Reprogrammed To: | | Costs Reassessed to Fee Accounts: | | | |
|------------------|----------|-----------------------------------|-------------------------|----------|--------|
| Position | Workyear | Amount | Position | Workyear | Amount |
| Border Patrol | ... | \$5,838 | Inspections | -141 | -35 |
| Investigations | 200 | 3,434 | Investigations | -100 | -25 |
| | 200 | 9,272 | Anti-Smuggling | -20 | -5 |
| | | | Training | -26 | -6 |
| | | | Information and Records | -304 | -80 |
| | | | Management | -391 | -151 |
| | | | | | -4,035 |
| | | | | | -9,272 |

Immigration User Fee Account

Immigration User Fee Account Cost Reassessment from the Basic Appropriation

A recent review of INS operations indicated that it has not been fully charging appropriate support costs to this account.

| Decision Unit | Exclusion | Workback | Amount |
|------------------------|-----------|----------|--------|
| Anti-Smuggling Program | 20 | 5 | \$352 |
| Training Program | 12 | 3 | 389 |
| | 32 | 8 | \$741 |

Enhancements

Additional inspectors to meet the 45-minute Federal Inspection Services standard; begin implementation of a permanent preinspection operation at London's Heathrow and Gatwick airports; start-up a 300 bed detention facility in New York/Newark area for airport exclusion cases; expand automation; improve recruitment methods; basic and advanced training classes; more efficient debt collection; upgrade existing scientific and technical equipment at the Forensic Document Lab; enhance financial management services; and reimbursement to the Office of Inspector General for audit and inspection services.

| Decision Unit | Exclusion | Workback | Amount |
|------------------------------------|-----------|----------|----------|
| Inspections | 248 | 62 | \$7,220 |
| Detention and Deportation | ... | ... | 3,600 |
| Training | 10 | 5 | 986 |
| Data and Communications | 3 | 2 | 2,138 |
| Information and Records Management | 36 | 18 | 838 |
| Intelligence | ... | ... | 121 |
| Administrative Services | 3 | 2 | 2,771 |
| | 300 | 89 | \$17,674 |

Immigration Examinations Fee Account

Part I

Cost Reassessment - 559 Positions, 143 Workyears and \$8,531,000

Since it was established, the Immigration Examinations Fee Account has not been charged for all support costs in the following program areas: the Inspections program for "down time" used by land border Immigration Inspectors performing remote adjudications of applications; the Investigations program for support in locating aliens who have absconded from deportation or exclusion proceedings, developing grounds for denial of petitions and applications, and obtaining government evidence in administrative proceedings; the Information and Records Management for records support services; and the Training program for training support services.

| Decision Unit | Position | Workyear | Amount |
|------------------------------------|----------|----------|---------|
| Inspections | 141 | 35 | \$2,436 |
| Investigations | 100 | 25 | 1,697 |
| Training | 14 | 3 | 363 |
| Information and Records Management | 304 | 80 | 4,035 |
| | 559 | 143 | 8,531 |

Part II

Extraordinary Costs - Haitian Situation and Expansion of the Asylum Officer Corps - 50 Workyears and \$15,846,000

Haitians - \$8,100,000

The Costs associated with the interdiction of over 15,000 Haitians has increased the need for resources in the Refugee and Overseas program and related support programs for costs associated with the processing of Haitians at Guantanamo Bay and the anticipated establishment of an INS presence at Port-au-Prince, Haiti. Total costs for 1992 are expected to approach \$3.1 million for INS operations. In addition, \$5 million is requested for contractual support with the Community Relations Service to provide services to Haitians eligible for resettlement into the United States.

Immigration Examinations Fee Account (Continued)**Asylum Officer Corps - 50 Workyears and \$7,746,000**

A total of 50 workyears and \$7,746,000 is requested to provide salaries, training, supplies, equipment, data systems and data entry support for the Asylum program to process temporary workload increases resulting from judicial decisions requiring the re-adjudication of approximately 90,000 applications.

Part III**Special Agricultural Workers (SAW) Program and Temporary Protected Status (TPS) Program - 161 Workyears and \$8,176,000**

Both the SAW Program and the TPS Program will have significant continuing workloads in 1992 beyond the levels anticipated when the 1992 budget was originally prepared. The SAW Program will have a processing workload of over 725,000 applications in 1992. The TPS program will continue to process applications from nationals primarily from El Salvador, as well as Lebanon, Liberia and Kuwait. This reprogramming request will provide temporary staff required to support these temporary programs.

Part IV**"Green Card" Replacement - 70 Workyears and \$10,000,000**

Due to continuing problems with fraudulent documents and the need to replace old permanent resident alien cards (issued between 1952 and 1977) with the new version which contains security features, resources are requested for start-up and initial operation for this major replacement program. This initiative will be funded through fees collected for card replacement.

Immigration Examinations Fee Account (Continued)**Part V****Direct Mail Implementation and Other Enhancements to Meet Service to the Public Needs - 180 Positions, 194 Workyears and \$30,913,000**

An additional \$30,913,000 is requested to allow INS to provide improved service to the public through expansion of INS Service Centers, implementation of the Direct Mail Program and expansion of Telephone Service Center and Forms Distribution Center services. At the same time essential administrative and support services will be provided to the program offices, including training and improved financial management of Immigration Examinations Fee Account resources.

| Decision Unit | Position | Workyear | Amount |
|---|----------|----------|----------|
| Adjudications and Naturalization Training | .. | 98 | \$14,192 |
| Data and Communications Systems | 6 | 3 | 1,400 |
| Information and Records Management | 127 | 64 | 6,768 |
| Intelligence | .. | .. | 3,302 |
| Construction and Engineering | 1 | 1 | 302 |
| Field Management and Support | 30 | 15 | 173 |
| Executive Direction and Control | 1 | 1 | 850 |
| Administrative Services | 9 | 9 | 75 |
| | 180 | 194 | 3,851 |
| | | | 30,913 |

GENERAL STATEMENT

Mr. SMITH of Iowa. We have the Commissioner of INS, Mr. Gene McNary. Do you have a statement, Mr. McNary?

Mr. McNARY. Yes, Mr. Chairman, I do, and members of the Committee, I am pleased to have the opportunity to appear before you in support of the 1993 budget request for the Immigration and Naturalization Service.

The Service is requesting a 1993 appropriation of \$1.1 billion, 12,759 permanent positions, and 12,187 workyears. This represents an increase of \$121 million, 549 positions, and 202 workyears over the 1992 appropriation.

This request includes \$14.2 million anticipated from the Assets Forfeiture Fund Capital Surplus, and a transfer of \$10.3 million from the Special Forfeiture Fund to support law enforcement vehicles, data processing equipment, and replacement vehicles and helicopters for the Border Patrol.

Also requested for allocation to the INS are \$12.3 million, 143 positions and 127 workyears as a part of the 1993 consolidated Organized Crime Drug Enforcement appropriation request.

When resources from our annual appropriation and OCDE are combined with our fee-supported operations, the total resources available to YNE Service during 1993 will be over \$1.5 billion.

I would like to discuss the reprogramming proposal that was just announced by the Attorney General. The reallocation of funds will be used to increase border security and bolster our efforts to remove criminal aliens. There are 300 Border Patrol agents and 200 investigators assigned to that. Secondly, our purpose is to improve immigration inspection services for international travelers; and thirdly, to enhance activities devoted to processing applications for immigration benefits for legal immigrants. These are important priority areas which can be addressed effectively within the Service's total resource structure.

As to the priorities in the 1993 appropriation request, the program increases requested in the 1993 appropriation will enable INS to address critical law enforcement, detention and legal support needs in four priority areas. These are: control of the border, criminal alien removal, detention support, and implementation of the Immigration Act of 1990. I will cover these areas first and then go to the fee supported of activities.

BORDER PATROL PROGRAM

Control of the border for the Border Patrol program—the budget includes an increase of \$8.6 million, 200 positions and 50 workyears to address three broad areas. These are: increasing border-wide apprehensions; secondly, reducing the incidence of violence and assaults; and thirdly, maintaining an effective interdiction program between ports of entry.

The agents included in this request and the new electronic detection equipment purchased in 1991 will significantly increase Border Patrol effectiveness in high activity areas along the southwest border.

Southern California is expected to remain the most challenging area for border control where added personnel, fence improvements

and added lights are making entry between the ports of entry more difficult. Due to the problems which exist in the San Diego sector, our 1993 request would add resources there and in other high-traffic sectors along the southwest border.

CRIMINAL ALIEN REMOVAL

Criminal alien removal: Current staffing resources in the Investigations program are insufficient to meet the increased workload related to the growing criminal alien population in the United States. There has been a substantial increase in the identification and initiation of deportation proceedings against criminal aliens apprehended in the interior of the United States over the last five years. Criminal aliens have been comprising increasingly larger percentages of the INS apprehensions.

INS is requesting an increase of \$2,150,000, 50 positions and 13 workyears to combat this growing criminal alien problem. These positions will be used to expand Service efforts to deport criminal aliens in State and Federal prisons and identify those just entering the criminal justice system. The identification of criminal aliens and the initiation of deportation proceedings early in an alien's incarceration will expedite the removal process after the criminal's sentence is completed and ultimately reduce detention expenses. This is among the Service's highest priorities.

Included is a request for \$1.5 million, 44 positions, and 11 workyears for the establishment of a National Enforcement Operations Center. It will function 24 hours a day as a criminal tracking center to respond to INS and other Federal, State and local law enforcement agency requests for information concerning aliens. This activity is mandated by the Anti-Drug Abuse Act of 1988, and is an important element in our efforts against criminal aliens.

The budget request contains \$1.5 million, 60 positions and 15 workyears for the Legal Proceedings program to support the addition of 20 immigration judges requested for the Executive Office for Immigration Review to expedite the deportation of criminal aliens by expanding the institutional program at both State and Federal prison facilities.

DETENTION AND DEPORTATION PROGRAM

With regard to detention support, the resources requested for the Detention and Deportation program are based on the revised Federal Detention Plan developed through the combined efforts of INS, the Executive Office for Immigration Review, the Bureau of Prisons and the U.S. Marshal's Service.

Included are requests for, first, \$5.6 million, 199 positions and 50 workyears to provide adequate staffing levels at the Service Processing Centers—those are our detention facilities—\$3.9 million for 50 positions, and 13 workyears to staff and operate the INS portion of the joint 1,000 bed INS/BOP contract facility for criminal aliens in the Southwest; and thirdly, \$12,278,000 in funds related to the cost of detaining aliens and returning them to their countries.

Included in the Construction and Engineering portion of this initiative is \$1.8 million to construct support facilities at the Krome, Florida Service Processing Center. The necessary facility changes

will allow isolation of criminal aliens from the regular detention support facilities for dining, recreation and health needs.

The Immigration Act of 1990, IMMACT 90, calls for a new civil cause of action against immigration document fraud that significantly impacts immigration litigation. The wide range of potential violators of the civil document fraud provisions include single aliens attempting to enter the country or to gain employment with fraudulent documents, manufacturers and vendors of fraudulent documents, and employers who accept fraudulent documents. Providing the necessary levels of legal review and representation resulting from the Act, will require \$843,000, 33 positions and eight workyears.

PROGRAM REDUCTIONS

Program reductions to meet targeted budget levels: The budget includes a program reduction of \$2.8 million from the equipment base to meet targeted budget levels under the Budget Enforcement Act.

IMMIGRATION USER FEE

Now, with regard to the Immigration User Fee, in 1993, almost \$216 million, 2,516 positions, and 2,516 workyears are requested for programs supported by the Immigration User Fee. This represents an increase of \$23.1 million, 252 positions, and 160 workyears over the 1992 levels approved by the Congress. This account provides immigration inspection services at airports and seaports of entry, paid entirely from fees collected from the individuals arriving in the United States aboard commercial aircraft or vessels from foreign locations.

The focus of our attention and the use of these resources is the facilitation of the immigration inspection process and compliance with the 45-minute inspection standard. The budget contains additional inspectors, as well as improvements in data systems to reduce delays. We will continue to focus attention on those high volume airports where the peaking of flight arrivals complicates our work load.

IMMIGRATION EXAMINATIONS FEE

Regarding the Immigration Examinations Fee, the 1993 request for the programs supported by the Immigration Examinations Fee account contains \$238.6 million 3,099 positions, and 2,978 workyears, an increase of \$41.7 million, 277 positions, 371 workyears above the 1992 level approved for this account. This is to finance the operations of the Adjudication and Naturalization program, refugee and asylum processing, and related support activities through fees collected from individuals applying for these immigration benefits.

The Immigration Act of 1990 has had a significant impact on the operations of the Adjudication and Naturalization programs, both in volume and complexity. Application receipts have increased to a level of nearly 3.4 million in 1991. A major effort was made during the past year to issue regulations implementing the provisions of the new law.

LAND BORDER INSPECTION FEE

Land Border Inspection Fee Pilot: The 1993 estimate for this program is \$4 million, and 31 workyears to continue the pilot program testing of approaches to facilitate the flow of traffic through land border ports of entry.

The pilot project at Blaine, Washington/Douglas, British Columbia is continuing to operate very well. As of the end of February of 1992, a total of 10,000 special express lane passes at \$25 each have been issued for specific vehicles. These passes result in a great time savings to frequent border crossers. Random compliance checks assure compliance with lane regulations and immigration and Customs laws.

The Blaine pilot project has worked well and has the potential for replication in other areas. The Service is in the process of evaluating other ports of entry for establishment of additional test sites borders. I know you are interested in this subject, and we can go into more detail in a minute.

IMMIGRATION LEGALIZATION

Immigration Legalization: The 1993 request for the Legalization program is \$1.2 million, 14 positions, and 14 workyears, to support remaining activities. The request also contains \$3 million for the Office of Special Counsel for Immigration-Related Unfair Employment Practices, as authorized in the 1992 Department of Justice Appropriations Act.

The Legalization program continues to wind down in 1992 and 1993. By the end of 1992, we expect the eight remaining offices to be closed. That will close all of the legalization offices. The workload continuing in 1993 will involve processing applications for permanent resident status and work related to appeals.

This concludes my statement on behalf of the Immigration Naturalization Service. I appreciate the opportunity to present the Service's budget request to the subcommittee and will be glad to respond to any questions you may have at this time.

[The prepared statement of Mr. McNary and the biographical sketch of Ms. Sale follow:]

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT OF THE COMMISSIONER
GENE McNARY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1993 budget request for the Immigration and Naturalization Service (INS). The Service is requesting a 1993 appropriation of \$1.1 billion, 12,759 permanent positions, and 12,187 workyears. This represents an increase of \$121 million, 549 positions, and 202 workyears over the 1992 appropriation. This request includes \$14.2 million anticipated from the Assets Forfeiture Fund Capital Surplus and a transfer of \$10.3 million from the Special Forfeiture Fund to support law enforcement vehicles, data processing equipment, and replacement vehicles and helicopters for the Border Patrol.

Also requested for allocation to INS are \$12.3 million, 143 positions, and 127 workyears as part of the 1993 consolidated Organized Crime Drug Enforcement (OCDE) appropriation request. This includes a program increase of \$1.3 million, 22 positions, and 6 workyears. The Service is pleased to be involved in this important interagency anti-drug effort.

When the above-mentioned resources from our annual appropriation and OCDE are combined with our fee-supported

operations, the total resources available to the Service during 1993 will be over \$1.5 billion.

Before discussing 1993 increases, I would like to touch briefly on the recent permanent reprogramming request you received that will affect the primary fee accounts and the regular appropriation. The reallocation of funds will be used to increase border security and bolster our efforts against criminal aliens (300 Border Patrol Agents and 200 Investigators), improve immigration inspection services for international air travelers, and enhance activities devoted to processing applications for immigration benefits for legal immigrants. These are high-priority areas which can be addressed effectively within the Service's total resource structure.

The program increases requested in the 1993 appropriation will enable INS to address critical law enforcement, detention, and legal support needs. These increases are in four priority areas: control of the border; criminal alien management; detention support; and implementation of the Immigration Act of 1990. I will discuss each of these areas and then move on to cover our fee-supported activities.

Control of the Border

For the Border Patrol program the budget includes an increase of \$8.6 million, 200 positions, and 50 workyears to address needs in three broad areas: (1) increasing border-wide apprehensions; (2) reducing the incidence of violence and assaults; and (3) maintaining an effective interdiction program

between the ports-of-entry.

The agents included in this request and the new electronic detection equipment purchased in 1991 will significantly increase Border Patrol effectiveness in high-activity areas along the Southern border. Southern California is expected to remain the most challenging area for border control. We have added personnel, improved the existing fence, and added lights to make entry between the ports-of-entry more difficult. Due to the extent of the problems which exist in the San Diego Sector, our 1993 request would add resources there and in other high-traffic sectors along the Southwest border.

Criminal Alien Management

Current staffing resources in the Investigations program are insufficient to meet increased workload related to the growing criminal alien population in the United States. There has been a substantial increase in the identification and initiation of deportation proceedings against criminal aliens apprehended in the interior of the United States over the last five years. In 1986, there were 60,278 deportable aliens apprehended by the Investigations program including 12,543 criminal aliens (21 percent). In succeeding years the percentage of criminal aliens apprehended has not dropped below 50 percent. In 1991, there were 63,631 deportable aliens apprehended, of which 35,975 were criminal aliens (56.5 percent).

INS is requesting an increase of \$2,150,000, 50 positions,

and 13 workyears to combat this growing criminal alien problem. These positions will be used to expand Service efforts against criminal aliens in State and federal prisons and those just entering the criminal justice system. The identification of criminal aliens and initiation of deportation proceedings early in an alien's incarceration will expedite the removal process after the criminal's sentence is completed and ultimately reduce detention expenses. This area of activity is one of the Service's highest priorities and responds to Congressional mandates in the Immigration Reform and Control Act of 1986 and the Anti-Drug Abuse Act of 1988.

In addition, included is a request for \$1,539,000, 44 positions, and 11 workyears for the establishment of a National Enforcement Operations Center that will function 24-hours a day as a criminal alien tracking center to respond to INS and other federal, State and local law enforcement agency requests for information concerning aliens. This activity, specifically mandated by the Anti-Drug Abuse Act of 1988, is an important element in our efforts to identify and expedite the deportation of criminal aliens.

The budget request contains \$1,571,000, 60 positions, and 15 workyears for the Legal Proceedings program to support the addition of 20 immigration judges requested for the Executive Office of Immigration Review (EOIR) to expedite the deportation of criminal aliens. The additional staff will allow INS, in conjunction with EOIR, to expand the institutional hearing program at both State and federal prison facilities. By

completing deportation hearings in a State or federal institution, a criminal alien can be deported immediately upon release, thereby protecting society from further harm from the alien, as well as freeing up INS detention space and saving the costs of detaining the alien after release from prison in order to complete the deportation process.

Detention Support

The resources requested for the Detention and Deportation program in this budget are based on the revised Federal Detention Plan developed through the combined efforts of INS, the Executive Office of Immigration Review, the Bureau of Prisons and the U.S. Marshals Service. Under this plan, INS detention needs, as well as those of the Bureau of Prisons and the U.S. Marshals Service, are addressed as part of a unified, coordinated, and dynamic plan.

Included are requests for (1) \$5,627,000, 199 positions, and 50 workyears to provide adequate staffing levels at Service Processing Centers; (2) \$3,906,000, 50 positions, and 13 workyears to staff and operate the INS portion of a joint 1,000 bed INS/Bureau of Prisons contract facility for criminal aliens in the Southwest; and (3) \$12,278,000 in funds related to the cost of detaining and transporting criminal aliens while returning them to their own countries.

Included within the Construction and Engineering portion of this initiative is \$1,800,000 to construct support facilities at the Krome, Florida Service Processing Center. These facilities

will allow isolation of criminal aliens from the regular detention support facilities for dining, recreation, and health needs. Without these support facilities, operations and staffing of the criminal alien dormitory at the Krome facility, already funded and currently under construction, will not be able to operate at the required level of security.

Immigration Act of 1990 (IMMACT 90)

The Immigration Act of 1990 calls for a new civil cause of action against immigration document fraud, that significantly impacts immigration litigation. There is a wide range of potential violators of the civil document fraud provisions. Examples include single aliens attempting to enter the country or to gain employment with fraudulent documents, manufacturers and vendors of fraudulent documents, and employers who accept fraudulent documents. Providing the necessary levels of legal review and representation resulting from the Act will require \$843,000, 33 positions, and 8 workyears. It is anticipated that some 4,800 Notices of Intent to Fine will be issued in the first year of implementation for civil document fraud, requiring close review by INS attorneys of each case to ensure legal sufficiency. It is estimated that 30 percent of the notices, over 1,400 cases, will result in a complaint being filed requiring an administrative hearing and INS legal representation.

Program Reduction to Meet Targeted Budget Levels

The budget includes a program reduction of \$2.8 million from the

equipment base to meet targeted budget levels under the Budget Enforcement Act.

Immigration User Fee

In 1993, \$215,982,000, 2,516 positions, and 2,516 workyears are requested for programs supported by the Immigration User Fee. This represents an increase of \$23,153,000, 252 positions, and 160 workyears over the 1992 levels approved by the Congress. This account provides immigration inspection services at airports and sea ports-of-entry and is paid entirely from fees collected from individuals arriving in the United States aboard commercial aircraft or vessels from foreign locations.

The focus of our attention in the use of these resources is the facilitation of the immigration inspection process and compliance with the 45-minute inspection standard. The budget contains additional inspectors, as well as improvements in data systems, which will reduce delays at international airports. Considerable progress has been made in achieving the standard, although there are several airports which continue to require additional effort and resources because of the volume of traffic combined with the "peaking" of flight arrivals which complicates our workload. We will continue to focus attention on those airports.

Immigration Examinations Fee

The 1993 request for the programs supported by Immigration

Examinations Fee Account contains \$238,597,000, 3,099 positions, and 2,978 workyears. This represents an increase of \$41,681,000, 277 positions, and 371 workyears above the 1992 level approved for this account. The purpose of this account is to finance the operations of the Adjudications and Naturalization program, refugee and asylum processing, and related support activities through fees collected from individuals applying for benefits under the provisions of the Immigration and Nationality Act. This budget submission reflects the need to expand the resources required to deliver timely and efficient service to the public consistent with all provisions of the law.

The Immigration Act of 1990 has had a significant impact on the operations of the Adjudications and Naturalization program. A major effort was made during the past year to issue regulations implementing the provisions of the new law. Application receipts have increased. In 1991, nearly 3.4 million applications were received. Overall, the complexity of our program for the administration of immigration benefits has increased substantially. At the same time, workload has been growing due to the combined effects of the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990.

Land Border Inspection Fee - Pilot

The 1993 estimate for this program is \$4,000,000 and 31 workyears to continue pilot program testing of approaches to facilitate the flow of traffic through land border ports-of-entry. The pilot project at Blaine, Washington/Douglas, British

Columbia is continuing to operate in a satisfactory manner. As of the end of February 1992 a total of over 10,000 special express lane passes at \$25 each had been issued for specific vehicles. The use of these passes results in a considerable time savings to frequent border crossers. To ensure the integrity of this expedited inspection process, vehicles with the passes are stopped at random intervals to assure compliance with the express lane regulations and U.S. immigration and customs laws. To date, the Blaine pilot project has worked well and has the potential for replication in other locations.

The Service is in the process of evaluating other ports-of-entry for the establishment of additional test sites on the northern and southern borders. Our planning efforts are being coordinated closely with the Customs Service.

Immigration Legalization

The 1993 request for the Immigration Legalization program is \$1,222,000, 14 positions, and 14 workyears to support remaining activities. The request also contains \$3,000,000 for the Office of Special Counsel for Immigration-Related Unfair Employment Practices, consistent with the authorization contained in the Department of Justice Appropriations Act, 1992.

The Legalization program continues to wind down in 1992 and 1993. Currently, eight legalization offices remain open in key city locations where substantial workload remains that cannot be absorbed into district offices or suboffices. By the end of 1992 we expect these remaining offices to be closed. The work-

load continuing into 1993 will involve processing applications for permanent resident status and work related to appeals.

Conclusion

This concludes my statement on behalf of the Immigration and Naturalization Service. I appreciate the opportunity to present the Service's budget request to the Subcommittee. I will be glad to respond to any questions you may have at this time.

BIOGRAPHY

MYRTA K. (CHRIS) SALE

Myrta K. (Chris) Sale has held a variety of important management positions in several Federal agencies, a State Government, and a not-for-profit corporation. She has been a member of the Senior Executive Service since 1985.

As Executive Associate Commissioner for Management, Mrs. Sale is responsible for directing the management programs for the Service, including equal employment opportunity, personnel, training, contracting and procurement, property and fleet management, facilities and space management, general administrative programs, information resources management, records management, budget, accounting and financial management.

Prior to accepting this appointment Mrs. Sale served as Chief of Staff to the Assistant Secretary for Finance and Planning, Department of Veterans Affairs, Washington, D.C.

As principal advisor to the Assistant Secretary, Mrs. Sale was responsible for the day-to-day management of the Office, including planning, budgeting, management, finance, and central data processing functions. She was instrumental in establishing the first Chief Financial Officer in the Federal Government; establishing a multidisciplinary review of internal controls; building a Department Strategic Management Process; overseeing the implementation of a medical care cost recovery program; and overseeing the installation of a comprehensive, financial management system.

Previously, Mrs. Sale served as Director, Financial Service, Department of Veterans Affairs, Washington, D.C.; Vice President, Finance and Administration, and Treasurer, National Public Radio, Washington, D.C.; Director, Office of Budget and Management, State of Ohio, Columbus, Ohio; Director of Financial Management, Peace Corps, Washington, D.C.; and Acting Budget Director, Office of Personnel Management, Washington, D.C.

Mrs. Sale received her undergraduate degree from Boston University where she majored in Psychology and a Masters Degree in Marketing and Finance from American University.

REPROGRAMMING/VISA FEES

Mr. SMITH of Iowa. Ms. Pelosi.

Ms. PELOSI. Mr. Chairman, I do have a time problem. I have to go to the Ethics Committee meeting now for I don't know how long, but for as long as it takes; so I want to thank the Commissioner for his testimony. And in the interest of your time and mine and the Commissioner's, too, will submit my questions for the record, but in doing so, say I have some serious concerns about the reprogramming request, and also about the fees for nonimmigrant visas request. And those two things, I will put the questions in the record.

About the Haitians, TPS for Salvadorans; are we going to get that? Well, I will submit it in the record. I have asked the Attorney General and the Secretary of State, I have asked both of them about that. I certainly hope that we will. But in any event, that is the direction of my questions, which I would like to submit for the record and request in writing some answers from the Commissioner.

Mr. McNARY. We will provide answers.

Ms. PELOSI. Thank you very much, Mr. Commissioner. Thank you, Mr. Chairman.

REPROGRAMMING SERVICES TO FEES

Mr. SMITH of Iowa. Now, concerning the reprogramming. What types of services are you shifting to fees that were previously paid from appropriated funds?

Mr. McNARY. Well, we have gone through, and we have done this on an ongoing basis, really trying to do fine tuning and some delicate cost accounting to make sure that what should be paid out of the various accounts really is related to those accounts. We have shifted roughly \$9.2 million out of appropriations, \$2.4 million from inspections, \$1.7 million from investigations, \$352,000 from anti-smuggling, \$752,000 from training, and \$4 million from information records and management.

Mr. SMITH of Iowa. Well, now let's take inspections, two and a half million dollars out of a total amount of how much? That isn't all of your inspection money.

Mr. McNARY. No, it isn't. This is specific—

Mr. SMITH of Iowa. How do you determine which inspections ought to be covered by fees and which ones are not?

Mr. McNARY. This is land border inspections, so most of it is under an appropriated account. But this particular shift is because certain inspectors—and remember, these are land borders, and because of environmental considerations they are required to leave the lane booth at the port of entry and go back to an office, away from the vehicle exhaust. While they are there, they are doing examinations work, which we think is a good deployment of that personnel. As such, rather than being charged to the appropriation account, they should be paid for out of the examinations account for which they are doing work.

Mr. SMITH of Iowa. Your inspectors account is around a hundred million dollars total. How do you determine that two and a half million dollars is the amount that ought to be shifted to the fee accounts?

Mr. McNARY. Well, we allocated a hundred FTEs that we can attribute as related to the work done by these inspectors on examinations work.

Mr. SMITH of Iowa. How did you do that? Did you do a time study?

Mr. McNARY. We have a workload report called aG 23, and we pegged it to the workload.

Mr. SMITH of Iowa. Is this more or less a time study?

Mr. McNARY. Yes, roughly.

Ms. SALE. We know the number of examinations that are performed by inspectors in land borders on behalf of the examinations account. Using those numbers out of the workload statistics that are collected by INS, we imputed the staff years associated with performing those examinations, and assigned that to the fee accounts. It is work that has been performed on behalf of the fee accounts.

In many cases, we have collected a fee for it, but the actual adjudication has been handled by an inspector at a land port of entry.

VISA FEES

Mr. SMITH of Iowa. Well, now, we have been contacted by a number of individuals who are concerned about the impact of this reprogramming on fees. One concern relates to actors and artists, for example, who come to this country and stay a week or so for a performance. The stories going around are that their fees will increase from of \$100 to \$3,000. Tell me, what are the facts about this?

Mr. McNARY. Those are nonimmigrant visas. The example that has been submitted to us is a 200-member orchestra. That was a part of the IMMACT adjustment on fees. We went through a public comment period, and the various organizations came in; and based on their comments, we shifted much of the work up front to the time when they first come in, which means that that fee, that cost, is going to be greater. And for that 200—if you want to use that as a hypothetical, for that 200-member orchestra, instead of something in the neighborhood of \$80, it would go up to \$2,000 for the initial visas coming in.

They actually save in the long run. If they stay, the extension—since the work is done up front, the extension would have been \$14,000; is now \$10,000. So that—

Mr. SMITH of Iowa. You mean most of them get an extension on their stay compared to what they originally intended to stay?

Mr. McNARY. Yes.

Mr. ROGERS. It depends on the encores.

Mr. McNARY. I am told most do request an extension.

Mr. SMITH of Iowa. I see.

Mr. McNARY. So there is a savings in the long run, but our work is shifted up front. And really, we think it was shifted as a result of public comment, and the various organizations would get that information early on.

Mr. SMITH of Iowa. Well, if it changed from what did you say, \$80 to—

Mr. McNARY. Two thousand dollars.

Mr. SMITH of Iowa. Two thousand dollars.

Mr. McNARY. I am using the orchestra as a hypothetical.

Mr. SMITH of Iowa. Were we paying the difference between \$80 and \$2,000 out of appropriated money, or were we making up for it when they got their extension?

Mr. McNARY. That all comes out of examinations fees, and we have tried to make that a self-sustaining program.

Mr. SMITH of Iowa. Well, were other people paying for it then? Is that what was going on?

Mr. McNARY. Yes. It is subsidized by other applicants.

Mr. SMITH of Iowa. But it is true, then, that the cost up front will go up from, say, possibly \$200 up to \$2,000?

Mr. McNARY. Yes.

Mr. SMITH of Iowa. How do other countries handle this? How do your fees compare to other countries?

Mr. McNARY. I have no idea.

Mr. SMITH of Iowa. Does anybody here know?

Mr. McNARY. We will have to do some research and submit an answer to you.

[The information follows:]

INS VISA FEES COMPARED TO OTHER COUNTRIES

The Service has not conducted an independent assessment of what other countries charge for similar services and how those fees are determined. However, a letter from Jack Golodner, Presidential, Department for Professional Employees, AFL-CIO, to Congressman Neal Smith identifies the fees charged for similar services in several countries. Based on the example of a 200 member orchestra, charges for several countries are shown below:

| | | |
|---------------------|----------|---|
| Australia | \$21,000 | \$105/individual. |
| Austria | 20,000 | \$100/individual. |
| Germany | 3,600 | \$18/individual (for a 3 month or more stay). |
| | 2,400 | \$12/individual (for less than 3 months). |
| Canada | 13,000 | \$65/individual. |
| United States | 2,070 | \$70/petition plus \$10/individual (for period requested by applicant—up to 3 years). |

Mr. SMITH of Iowa. Another contention is that we will get retaliation if we do this fee increase for actors.

Mr. McNARY. Well, no one is retaliating against us, and we think that we are pretty consistent. We hear from other countries. It doesn't take any time to hear from the Canadians when we do something to step on their toes, so I am sure that we are compatible with the practices.

CANADIAN BORDER

Mr. SMITH of Iowa. You didn't say much about the Canadian border. How are our problems coming on the Canadian border?

Mr. McNARY. Well, I would have to say the major effort is in the land border ports of entry. I mentioned, and we are pleased, and, in fact, excited about the results of the pilot at the Blaine port of entry. This committee not only financed that, but encouraged it, and we think in the long run that that is the answer.

Mr. SMITH of Iowa. Is the cost to utilize this express commuter lane twenty-five dollars a sticker?

Mr. McNARY. Yes. And it has worked well. The Canadians like it, we like it, and the people who are commuters, coming back and forth, like it as well. It is to our advantage since most of them are coming our way to shop. In any case, we have collected up to a quarter of a million dollars. Our commitment is to put that right back into the port of entry.

It moves people across more quickly, and it is significant, Mr. Chairman, to realize that every individual who gets a sticker goes through an extensive background check against every record that we can check, so we know that these are pretty solid citizens. And there are still random checks of trunks so that nothing is going to get smuggled through.

So by separating these people into an express lane, they move through quickly, the pressure is taken off of the other lanes, not only do they move through more quickly, we have more time to do the security checks with those people. So, you know, I think it is a win-win proposition.

Where we go from here, we would like to do Buffalo next. We think it is the easiest. We are looking at Detroit, and we would hope to do those by the end of this fiscal year. The Southern border is another question, but you are still talking about Canada.

Mr. SMITH of Iowa. The number of people crossing between Canada and the United States has increased tremendously, hasn't it?

Mr. McNARY. Yes, it has.

Mr. SMITH of Iowa. Are they coming over to shop?

Mr. McNARY. Yes. And at the present time, it is to our advantage.

Mr. SMITH of Iowa. Yes. This express lane, are those using it largely people that live in the United States and work in Canada?

Mr. McNARY. Well, no. They are mostly Canadian shoppers.

Mr. SMITH of Iowa. You mean they come in that often, that they need to get an express ticket?

Mr. McNARY. They come in to shop and they come in to buy gasoline. It is cheaper to come over and buy gasoline in our country, even considering gas to get here, than it is to buy over there. But it is open. You know, we are talking about shoppers, but anybody can apply.

Mr. SMITH of Iowa. How many ports of entry do we have in Canada?

Mr. McNARY. I don't know, but Buffalo and Detroit are the next ones we are concerned about. The biggest one is Blaine. Buffalo and Detroit have a different situation, which I believe lends itself to a different type of technology. And what is possible is that you have bridges, and there is already a toll collected on those bridges. If we can piggy-back, or work with the bridge commissions, then it is easy for us to devise a system that will give us revenue and improve the overall movement of traffic.

Mr. SMITH of Iowa. How long does it take to cross at Detroit and Buffalo?

Mr. McNARY. I don't know, but in talking to people from Detroit, they say it is too long. The Chamber of Commerce types are especially interested in seeing something done.

Mr. SMITH of Iowa. Well, I went to Sanibel Island in Florida to the fish and wildlife refuge. It took me an hour to go over and an hour and a half to get back across the bridge. So I guess it is not just at the borders.

Mr. McNARY. What bridge is that? We will make sure that—

Mr. SMITH of Iowa. Well, it is not a border. It goes from Fort Myers over to Sanibel. Well, at this point, I will yield to Mr. Rogers.

REPROGRAMMING

Mr. ROGERS. Good to see you, Mr. Commissioner and staff. Now, in your reprogramming proposal, in the simplest of terms, you are really proposing to fund certain costs out of the fee accounts, which were previously financed by direct appropriations, and then using some of the appropriated funds toward improving the Border Patrol and the Investigations Program; is that the short answer to it?

Mr. McNARY. Yes, sir.

Mr. ROGERS. Do you anticipate that those fees will become higher as time passes because of that?

Mr. McNARY. We don't anticipate any change in inspections fees. We anticipate an increase in the examinations fee. I am not sure your question is because of that. We are carrying free services on the examinations fee. We have \$35 million, you know, that is asylum and refugee, and some services that provide accessibility.

As long as we carry activities that don't pay for themselves, then we are going to have to increase fees on a periodic basis. We probably would have had to increase the fee next year anyway. The Attorney General indicated it would probably be an 8 percent increase, and I would say substantially the same thing, since I work for him. Let me point out, Haiti is a good example. It is a major unanticipated expense.

IMMIGRATION USER FEES

Mr. ROGERS. Well, your 1993 request, in your statement you say on Page 7 that for the Immigration User Fee Program, you are requesting an increase of \$23 million, 252 positions, and 160 work-years over 1992. Is that a continuation of policy contained in your reprogramming request for 1992, or is that something different?

Mr. McNARY. No. That is just the—that is the regular allocation of the fee to the Service. You are talking about the inspections, airport inspections?

Mr. ROGERS. Immigration user fee activities.

I guess what I am saying is, that is a significant increase. That is 10 percent over last year's level, both in manpower and in dollars. In fact, it is more than a 10 percent increase over 1992. What I am wanting to know is what are those new positions needed for?

Mr. McNARY. Well, that comes out of fees. That is the \$5 passenger fee. And the positions are needed. We have hired 450 people

since the fee was extended to contiguous territories, and we are adding another 248.

The objective is to meet the 45-minute standard, and we would like to even get it down below that, so that we are moving people through airports quickly. The whole objective is to put it back into the Service. The London preinspection program is half of the reprogramming. Inspectors would go to a London inspection site, 124 of them, which we think has tremendous possibilities.

Just to take a minute to tell you, about 10 percent of the traffic coming into the United States leaves from London. If we can do a preinspection in London with 124 people, then—and that is the long term number, you know, we don't start out with that many. We have to build up to it. But ultimately, we have taken care of a lot of the traffic. People come into the airport already inspected so that they walk right through as though they were going from one State to another. And we have done it at a lower cost.

In fact, you are probably going to have some others putting pressure on you to extend this to other European cities.

Mr. ROGERS. Well, are we not living within the 45-minute standard now?

Mr. McNARY. I think we are. We are about 98 percent.

Mr. ROGERS. Why do you need more people then?

Mr. McNARY. Well, first of all, we need more people to do the London preinspection, and we need more people because there is about a 7 percent increase in traffic every year.

IMMIGRATION EXAMINATIONS FEE

Mr. ROGERS. Now, you are also requesting from the immigration examinations fee program an increase of \$41.5 million dollars, 277 new positions, and 371 workyears above the 1992 level. Can you tell us why you need that hefty increase? It is on Page 7 of your statement.

Mr. McNARY. Well, you know, we are talking about a bunch of things. Much of that, or some of that will go to adjudications. We are expanding the asylum corps, which is one of the non-revenue producing activities carried by the examinations fee account, by a hundred positions. We have \$19 million going into data and communications, \$9 million for information and records, and a number of positions and allocations for a variety of different purposes such as, field management, legal proceedings, all that adds up to \$35 million.

LEGAL PROCEEDINGS

Mr. ROGERS. Now, you are asking, and I am jumping around here, on Page 4 of your statement, 60 positions for the Legal Proceedings program to support the addition of 20 immigration judges so as to be able to process their cases while they are still in prison and be able to deport them immediately after release from prison, or upon release from prison. Why do we need those additional personnel? Are we not able to do that now?

Mr. McNARY. Well, not only the Institutional Hearing program, but IMMACT added a civil fraud provision, which we think is very meaningful. But to prosecute those civil fraud cases, there are

going to be more immigration judges required, and we have to have two lawyers for every judge. So it really is related to those two areas, and our request is based on the number of judges that will be brought onboard.

Mr. ROGERS. So we can't handle the load we have now without these additional judges?

Mr. McNARY. No, sir. It is really an investment, especially the Institutional Hearing program, because if we can, and we are, arranging it in such a way that we don't take these people into detention. We get the final orders up front, it takes a judge and a lawyer. With the final orders up front, we are looking at teleconferencing to make it more efficient, and we would like to deport criminal aliens straight from the institution.

But it is going to take that kind of personnel, and that is not much, when you consider what we will gain on the bottom line.

EXPEDITING DEPORTATION OF CRIMINAL ALIENS

Mr. ROGERS. Well, at least this Member would like to see that happen without having a single one released from prison and not deported instantaneously, and you can do that with this request? There won't be a single one that is not deported immediately? Can you assure us of that?

Mr. McNARY. If you give me enough time, I can assure you.

Mr. ROGERS. How much time do you need?

Mr. McNARY. Well, I would say that I could guarantee that in three years.

Mr. ROGERS. Can you do it any quicker?

Mr. McNARY. Well, let me tell you what is involved. We can do it quicker. We can do it within a year with Federal prisoners. But we are in the process, and we think that IMMACT gave us the tools, because States are required to give us a certified copy of conviction. You know, they have a right to come up with their own plans, and so we need to identify criminal aliens in the State and local institutions. A procedure is being established to identify aliens when they get people in, to get final orders so that we are in a position to deport them.

Now, we don't have that machinery in place. But let me tell you, we have made some significant progress in the last two years toward that end.

Mr. ROGERS. Can you give us a round ball number or even better if you have it of the number of criminal aliens now incarcerated in the U.S., Federal and state?

Mr. McNARY. Yes, I can, if I can remember it.

Mr. ROGERS. A rough number is all I am asking for.

Mr. McNARY. It seems to me that a fourth of BOP's capacity is criminal alien, and what, they have 70,000?

Mr. ROPER. They have about 66,000 prisoners right now, about 24, or 25 percent are criminal aliens.

Mr. McNARY. So we are talking about 15,000, 17,000.

Mr. ROGERS. And what about in the State prisons?

Mr. McNARY. Well, our judgment is that there are about 40,000.

Mr. ROGERS. In the State?

Mr. McNARY. Yes. But you know, that is how many birds in a flock. It is hard to estimate.

Mr. ROGERS. Is that number rising?

Mr. McNARY. Yes, sir, it is rising rapidly.

Mr. ROGERS. Is there a common area of criminality for which they were convicted? Is it drugs, robbery?

Mr. McNARY. There is a high percentage of drugs.

Mr. ROGERS. They are there for drug convictions?

Mr. McNARY. Well, yes. They are there for drug convictions. Not all of them, but I would say probably 50 to 70 percent of the aliens are drug convictions.

Mr. ROGERS. Where are they from? Is there a common—

Mr. McNARY. A high percentage from Mexico.

OVERTIME COSTS

Mr. ROGERS. Now, let me ask you about your overtime costs. You pay overtime costs to INS inspectors under two different Acts. One, the 1931 Act, and one, the 1945 Act. Can you tell us what the difference is between the overtime paid under each of those Acts?

Mr. McNARY. The 1931 Act overtime is the one that is usually suspect, and the provisions are that Sundays, first of all, are not considered a part of the work week; and secondly, that if somebody works at all on a Saturday or Sunday or holiday, then they are paid for the entire day or maybe both days. You know, that is the bone of contention.

And I think that Congress is looking at it. We think that the overtime is deserved but that some of those provisions, like the two I mentioned, need to be revisited.

Mr. ROGERS. Well, as I understand it, the 1931 Act gave Immigration inspectors overtime pay comparable to Customs inspectors. But that Act was passed when overtime work often involved inspections of ships arriving at very odd times, late at night, during bad weather and so on. But the 1931 Act pays overtime at rates much higher than the 1945 Pay Act, which provides for the basic overtime compensation of Federal workers. I am told that overtime pay for inspectors under the user fee alone, User Fee program alone in 1993 is estimated at almost \$28 million. Is that out of line, my statement?

Mr. McNARY. What year?

Mr. ROGERS. For next year, 1993.

Mr. McNARY. I would say we are probably in excess of that. We are talking about \$38 million; \$35 million in 1991.

Mr. ROGERS. Well, I am looking at Page 28 from your justifications, and you estimate the 1931 Act overtime for fiscal 1993 at \$27.9 million.

Ms. SALE. That is just User Fee account. That is different.

Mr. McNARY. That is the User Fee account only.

Ms. SALE. We also have basic appropriation people getting the same overtime.

ABUSE POTENTIAL FOR 1931 ACT OVERTIME

Mr. ROGERS. Well, that is a bunch of money, and your IG reports in January, that while you made improvements in overtime management, that the 1931 Act imposes a very high potential for abuse. Is there any compelling reason not to try to repeal that Act?

Mr. McNARY. We don't want to be in a position where Customs is in a superior position, and our people are going to leave and put on Customs uniforms.

Mr. ROGERS. Well, why should INS inspectors be treated better than other Federal employees with regard to overtime on weekends and holidays?

Mr. McNARY. We don't have any quarrel with that, Congressman. The provisions of the 1931 Act, as I said, should be revisited, and it should be something done by Congress. We just want to have parity with Customs. But it would make it easier for us to bring it under control if it was revised.

Mr. ROGERS. Well, the IG says that overtime costs in 1990 and 1991 were excessive.

Mr. McNARY. Well, I think the IG is wrong on that. But we have reduced the per capita numbers slightly, and it is down substantially from when I first came in. It has leveled off. I think we are controlling it as best we can. It used to be \$15,000. We have it down to \$10,000.

Mr. ROGERS. \$10,000?

Mr. McNARY. Ten thousand dollars per head.

Mr. ROGERS. I will reserve until the next round, Mr. Chairman.

Mr. SMITH of Iowa. Mr. Kolbe?

Mr. KOLBE. Thank you, Mr. Chairman.

Mr. Commissioner, I have a number of questions on the reprogramming, which I will submit, Mr. Chairman, for the record.

Mr. SMITH of Iowa. All right.

ADDITIONAL CRIMINAL INVESTIGATORS

Mr. KOLBE. Your reprogramming calls for 200 additional criminal investigators; 150 of those are to be targeted to gang activity. I am curious about the new role of INS and gang activity. Could you describe that for me? Why is INS getting into this area?

Mr. McNARY. I am not sure that we are getting into that area. The investigators, 200 of them, and as you have stated, 150 will be assigned to criminal alien functions and 50 to employer sanctions. The 150 are actually Immigration Officers who will be hired at a GS-9 level, and they will free up the more experienced investigators who will then do really what we have been doing all along, but some of it does relate to criminal alien gangs. They are criminal alien investigators.

The new people that are coming onboard as a result of this reprogramming, in my judgment, should give us a savings. These are people who will identify criminal aliens in the institutions early on, and we get final orders and deport them, thereby freeing up detention space.

Mr. KOLBE. Well, I thought your reprogramming—specifically mentioned targeting gang activity, and I am just wondering what that refers to.

Mr. McNARY. Well, it refers to working groups, much like OCDE has, but with these experienced criminal alien investigators, who used to do a lot of the paperwork, will be freed up to work with the various other enforcement agencies.

Mr. KOLBE. So they are really just general investigators, doing general investigations?

Mr. McNARY. No, they are special investigators working with FBI, BATF, and giving us a complete comprehensive investigative package. The criminal alien part of it is what we bring to the table.

Mr. KOLBE. They would be different? Their function would be different from the other investigators that you have?

Mr. McNARY. Different than some of the people that are doing employer sanctions paperwork. They are not just compliance people. They do a little bit more than that, but they are not full investigators specially trained.

BORDER INSPECTIONS

Mr. KOLBE. I may have some more questions on that later.

I am going to turn to the question of inspections along the border. I represent a border district, and I am acutely aware of the problems that we have there.

The GAO recently identified a need for 148 inspectors in the Phoenix district.

In 1990, we had a total of 78. Altogether on the southwest border, GAO said there was an authorized level of 640 inspectors in 1990; but the need was for 1,052. GAO then suggested that if you had a 50 percent increase in trade with Mexico, which I think is probably an understatement with or without a free trade agreement, there would be a need for 1,577 inspectors.

In Nogales the INS is more than a year behind in processing border crossing cards. That means that somebody who wants to come over and spend their money in the United States has to wait for a full year before they can obtain a routine border crossing card. I am very concerned about these problems at the border.

In your reprogramming, you have requested additional airport inspectors and investigators, but not one that is reprogrammed for a border land inspector position in the southwest. Could you respond to that?

Mr. McNARY. We have plugged in 135 new positions that were in the budget last year.

Mr. KOLBE. Yes, last year.

Mr. McNARY. We have 683 in place. I am not sure I agree with GAO. I think that we need over a thousand, and we have a contracted study to give us a model. We estimated we need around 1,128.

The reason that you have plugged in a 50-percent increase because of the Free Trade Agreement are experienced——

Mr. KOLBE. No, not just because of that.

Mr. McNARY. Okay. Our experience with Canada has indicated that it doesn't have that kind of an impact.

Mr. KOLBE. I said with or without a Free Trade Agreement.

Mr. McNARY. Okay, no question——

Mr. KOLBE. We do not have a Free Trade Agreement now, but the expansion of trade with Mexico has been exponential in recent years, because of the economic changes and political changes that have taken place in Mexico. Those changes are going to continue.

Mr. McNARY. Congressman, no question, we need more land border inspectors. And our objective is, and we ought to—I guess this is the time to talk about it—the pilot has been successful in Blaine, and we would like to move forward with a pilot on the southern border. We need to cooperate with Customs. Customs sees some security problems. We don't.

But now, in my judgment, is the time to get that resolved, because our test has been successful. Not only does it free up lanes and move the traffic through, in our judgment, it gives us better security checks, because we check those people who get the stickers against all the background information. They move through quickly. And then we have more time to provide the security checks on the people in the lanes that are more of a risk.

DEMONSTRATION PROJECT

You know, we think it is a win-win proposition. It is a way to fund these land border ports of entry.

Mr. KOLBE. I was a little confused in a response to a question you gave to Mr. Rogers. I thought the demonstration project is for Americans going to Canada so that they can get a sticker on their car going into Canada. Is that not right? Are these Canadian citizens that get the stickers, or is it both?

Mr. McNARY. Canada has its own program, so it is a reciprocal arrangement.

Mr. KOLBE. You issue the sticker that says INS on the sticker?

Mr. McNARY. Well, it says INS.

Mr. KOLBE. That can go on a car that has a Washington license plate or a British Columbia license plate?

Mr. McNARY. It is available to Canadian and U.S. citizens.

Mr. KOLBE. To either.

Mr. McNARY. Yes.

Mr. KOLBE. How do you put a Canadian through the U.S. social security check?

Mr. McNARY. We have a cooperative arrangement. NCIC, NAILS, TECS, you know, an assortment of different background checks.

Mr. KOLBE. I agree with the need for something like that in Mexico. However that might be considerably more difficult because of the lack of data. Do you have an HOV lane at Tijuana?

Mr. McNARY. Yes, but it may be terminated.

Mr. KOLBE. It is still functioning, isn't it?

Mr. McNARY. Yes.

Mr. KOLBE. Do you know if there has been any consideration of expanding that program? Do you think that is an answer?

Mr. McNARY. The HOV lane is being reevaluated from the standpoint of whether—we have run a pilot, and it is time to take a look at what the results are. There are some who believe that it has not attracted enough people into the HOV lane, that inspectors are idle in periods of time when they shouldn't be, and that there

is a little cottage industry that has grown up where some people run back and forth across the border and jump in the car, charge a fee in order to get the individual into the HOV lane. So there are some problems. Very enterprising.

There are some problems with that HOV that we would like to take a look at. But we are trying everything, and so it is with the border crossing fee pilot program.

Mr. KOLBE. The concept of the HOV makes sense. You don't process cars any faster, but you process more people, and that is the idea in the long run.

Mr. McNARY. Still we have to inspect them.

INS STAFFING MODEL

Mr. KOLBE. Oh, absolutely. But if you inspect a car with one person in it and a car with four people in it in the same length of time, you have gotten four people across.

The GAO says, at least in their study, that they used the INS staffing model to reach their conclusions about the numbers of inspectors that would be needed. I am wondering whether you agree with that? If so, do you expect that you would be asking the authorizing committee for an increase in authorized inspector positions?

Mr. McNARY. Well, we don't—we don't subscribe to their projections. We didn't give them a staffing model, and we have RAIL Corporation doing a study as to staffing models at the present time. And I think that is due in a couple weeks. So we should have a better plan in a couple weeks.

Mr. KOLBE. So you are saying that whatever model they used, it wasn't yours, or it wasn't any data that you gave them?

Mr. McNARY. Not only that, but I thought it was a very—well, those projections were very general. I didn't ever see any basis for the projections. It was kind of like it was just out of the air.

Mr. KOLBE. You say you are doing a study now. When should we anticipate that being available?

Mr. McNARY. The middle of March, so that is the reason I say it should be in a couple of weeks.

Mr. KOLBE. How do you intend to use that study?

Mr. McNARY. No. We would use it—I don't know that it is going to tell us the number of inspectors at each port of entry. We think it is going to give us some guidelines, because land border ports of entry vary. There are different problems at each.

We think the study is going to give us some guidelines that will determine, based on these conditions, the ratio that is required, and then we can take it from there.

Mr. KOLBE. We will obviously be interested in seeing that.

You mentioned the fact that 135 inspectors have been appropriated for the southwest border in the 1992 budget. Can you tell us whether those positions are filled or how many of them have been filled at this point? Could you just provide it for the record?

Mr. McNARY. Yes.

STAFFING OF INSPECTIONS POSITIONS AUTHORIZED IN 1992

The new inspectors were requested for high-volume ports-of-entry along both the southern and northern border. They were allocated to the various land border ports on January 1, 1992. Of these new positions, 97 are on the southern border.

As of this week, 26 of the new officers have entered on-duty. We project that the remainder will be on board by May 1, 1992.

The new positions were assigned as indicated:

| Location | Posi- tions |
|-----------------------|----------------|
| Buffalo, NY | 2 |
| Portland, ME | 11 |
| Detroit, MI | 5 |
| Seattle, WA | 17 |
| St. Paul, MN | 3 |
| El Paso, TX | 13 |
| Harlingen, TX | 13 |
| San Antonio, TX | 10 |
| Phoenix, AZ | 21 |
| San Diego, CA | 40 |
| Total | 135 |

LAND BORDER STAFFING MATCHED BY CUSTOMS SERVICE

Mr. KOLBE. Commissioner, there is a rule of thumb that INS and Customs have that each agency is supposed to have a 50-50 match at the land border crossings. I have never talked to anybody from Customs, or outside of the government, that believes INS comes even remotely close to meeting that 50-50 match. Would you concur with that?

Mr. McNARY. No. We are meeting the 50-50 match. What Customs is talking about, they have——

Mr. KOLBE. I am not talking just about Customs.

Mr. McNARY. All right. Well, they have other inspectors who are there because they inspect cargo, and so those people are not on the line. But at the point of entry where people are inspected, we have a 50-50 match.

Mr. KOLBE. You are manning half of the lanes?

Mr. McNARY. Yes, sir.

Mr. KOLBE. Okay. And as far as you know, you are not failing to do that in any other border crossings, at least the southwest border crossings?

Mr. McNARY. No, sir. We will check out any information that somebody has been giving you. We will run it down.

Mr. KOLBE. I get very contrary views from people, and it is not just Customs people that have been complaining, but others who say it is closer to a one-third, two-thirds match on the part of INS.

Mr. McNARY. Well, they have twice as many people as we do.

Mr. KOLBE. I am talking about manning the lanes, though.

Mr. McNARY. Okay. We think we are 50-50.

PART-TIME WORKERS

Mr. KOLBE. I don't want to take up much more time; just two other things. Would you, for the record, give us the number of tem-

porary people that INS has? Could you give us the number of part-time, temporary fulltime, and the NTSS inspectors that you have in the San Diego, Phoenix, and San Antonio districts? Along with that, would you provide the end strength for permanent full-time inspectors at each of those locations? It would be helpful for us to be able to make some comparison.

The reason I want to look at that is I think that you have a lot of part-time inspectors? Is that not correct?

Mr. McNARY. We do.

Mr. KOLBE. Does that worry you?

Mr. McNARY. No. They are very valuable. Especially to give you one example, the teachers in the summer, during our peak season, to plug teachers in as temporaries, they are good, they come back every summer, and they really fit into the overall Personnel Department.

Mr. KOLBE. We use a lot of temporaries in the Park Service; there is some seasonal work that they do. But you are talking about law enforcement. I know Customs worries a great deal about this from the standpoint of benefits, low pay, not going to the academy, less screening, that they are subject to corruption; and, in fact, most of the corruption has occurred among the part-time and temporary employees. You have not seen that problem?

Mr. McNARY. We haven't seen the problem, and we are stepping up our training of these people.

EVIDENCE OF CORRUPTION OF INS OFFICIALS

Mr. KOLBE. Is corruption of INS officials, inspectors, investigators on the rise, or do you have any evidence that this is a serious problem?

Mr. McNARY. I have no indication. You know, we have a system for following up on any complaints; and as a matter of fact, part of our new reorganization gives us a new internal audit position. And we have brought a man onboard by the name of John Chase. You might know him.

So, we think that we are going to be in a better position to follow up. We will build that capability, and we have hopes that this will be a good system for at least coming to grips with complaints, corruption, whatever is involved.

Mr. KOLBE. Mr. Chairman, I have some other questions, but I will submit them for the record.

CORRUPTION OF PART-TIME WORKERS

Mr. ROGERS. Will the gentleman yield before you do?

Mr. KOLBE. Certainly.

Mr. ROGERS. I would be interested to know more about the gentleman's statement about corruption, the corruption of the part-time temporary workers.

Mr. KOLBE. Mr. Chairman, there have been several cases—most of those that I am familiar with have been Customs Service, but I think it applies to INS, too, of workers, in particular part-time workers, who have been arrested for allowing illegal items to cross the border.

The problem in the case with Customs is when they hire temporary, they hire locally, so the people have family on both sides of the borders. The opportunities for corruption are major.

There are several major cases in Arizona right now of drug smuggling that has been done through Customs. One of them involves INS.

Mr. McNARY. We don't want to have this Customs business splashing over on us.

Mr. KOLBE. There are bad apples in both places.

Mr. McNARY. We have no indication of any corruption involving any temporary. One permanent, but no temporary. So, you know, we think it is a pretty good group of people.

INCREASED TRAFFIC FROM CANADA

Mr. SMITH of Iowa. The number of people coming over from Canada has increased tremendously since the Free Trade Agreement. Do you think that will continue to increase, or has it leveled off?

Mr. McNARY. That is a good question.

Do we have any figures on the numbers of people that are coming over from Canada? Has it leveled off?

Mr. PULEO. We have experienced a dramatic increase in the traffic as a result of the free trade. We established free trade examiners along the northern border.

Mr. SMITH of Iowa. What did cause the big increase?

Mr. PULEO. Most of it is commuting traffic mainly to purchase in the United States.

Mr. SMITH of Iowa. Well, that is trade, isn't it? That is what we are talking about.

Mr. PULEO. Okay. It is not a direct result of the Free Trade agreement, but it is trade. It is commerce—people coming across and purchasing in the United States.

I thought your question, Mr. Chairman, was specifically on free trade.

Mr. KOLBE. It is part of the free trade and higher taxes in Canada that is causing people to come over.

Mr. SMITH of Iowa. They look for the place they can buy goods the cheapest.

Mr. PULEO. That is correct.

Mr. SMITH of Iowa. Has that leveled off?

Mr. PULEO. No, we don't see any leveling off of the traffic.

Mr. SMITH of Iowa. It just keeps increasing?

Mr. PULEO. Yes.

Mr. ROGERS. Will the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. ROGERS. Is any of that related to the health care in the U.S. versus Canada?

Mr. PULEO. I couldn't answer that.

BORDER CONTROL

Mr. SMITH of Iowa. On the southern border there is a big increase in the number of people, but as I understand it, they are coming across illegally to get work. For a while, illegal entries

were down after we passed the immigration law, but now I understand it is going back up. Is that continuing to increase, or has that leveled off?

Mr. McNARY. No. Mr. Chairman, let me dispel that. That has been said so often that people are starting to believe it. Before IRCA, there were 1.7 million people apprehended. It went down after a period to roughly 950,000 for a couple of years, and it has leveled off at a million, a million-one since then. It doesn't come close to pre-IRCA numbers.

And as a matter of fact, we think that we are being successful, improving our border control to the point that we are actually catching more people. The numbers of people coming into this country illegally, it is always hard to measure, but the numbers coming in illegally are going down.

And if you have time to go to San Diego and take a look at what has been done there, you can see that it is not so easy to get across illegally in that 12 to 14-mile stretch that accounts for half of our——

Mr. KOLBE. Mr. Chairman, would you yield?

That is quite contrary to the figures that we have heard, which are not anecdotal figures, but Government figures. Would you give us the latest number of apprehensions based on the most current data? Do we have 1991 data?

Mr. McNARY. 1,132,933.

Mr. KOLBE. And the 1986 figure was?

Mr. McNARY. 1,692,544.

Mr. KOLBE. The lowest it got was 900,000? I have certainly heard higher than 1.1 million.

Mr. McNARY. It got down to 891,147 in 1989.

Mr. KOLBE. So it is rising.

VERIFICATION OF DOCUMENTATION NEEDED TO WORK

Mr. SMITH of Iowa. There was a case in San Antonio involving the use of fake social security cards in order to get around the employer sanctions. I understand that as long as the employer keeps three pieces of evidence in his records, then he is clear, even though he hired an illegal alien. The illegal aliens get these fake social security cards, and they are able to hire them.

Mr. McNARY. Well, if I can speak to that point, the Attorney General's emphasis is in that direction. We are replacing one and a half million of the old green cards that are easily counterfeited. He has added 50 investigators to work on employer sanctions, and we have completed a six-month pilot that has an immediate impact on employer sanctions that yielded 6,000 arrests, \$3 million in fines, and you can double that for a year.

We are concentrating on employer sanctions. That is the way we will create a deterrent. And we are working at it on the fraud angle as well as investigation.

Mr. SMITH of Iowa. But the employer sanctions isn't going to work if aliens can get these fake cards that clear the employer. The employer has done what he was supposed to do under the law, and is not liable.

Mr. McNARY. Well, we are replacing 17 cards, and eventually we will have an employment authorization document and a green card, and bring it down to two. There has been a lot of discussion about a single employment authorization document, and you know, I am not taking any position on that. We think that there should be something that would give us control over this. But that is going to be up to Congress to cope with that.

TRAINING OF INSPECTORS

Mr. SMITH of Iowa. One other question.

When you are hiring new inspectors, what type of training do they get?

Mr. McNARY. Well, he goes to Glynco, and an inspector is trained for fourteen weeks. And it is extensive training.

Mr. SMITH of Iowa. Does the training include courses on conduct?

Mr. McNARY. Courses on conduct. It is not finalized, but we have a new firearms code. Under the IMMACT, general arrest authority was given to INS. And all of that is being plugged into our training.

Mr. SMITH of Iowa. I guess what I am talking about is attitude. I don't think that very many are guilty, but it doesn't take but one out of a hundred, you know. It gets the public kind of upset.

I will give you one example. This happened to me about three years ago. We were coming to Washington from overseas. We landed in Boston first. Since that is the first place you land in the United States, you show your passport. It was raining, and there were elderly people on the plane, probably 30 that were coming into Washington. One woman had three little children.

Everybody had to get off the plane, walk in so that this inspector sits there at the desk to look at your passport. He could just as well have taken an umbrella and gone out to the plane. But his attitude—I talked to him. His attitude wasn't that those are his employers. It was just as if they were drug runners or something. I am sitting here, I have got my seniority, and you can come and see me. I mean that is a bad attitude to have.

Mr. KOLBE. That happens all too often.

Mr. SMITH of Iowa. And it just upsets people.

And that is the reason I am asking you if you have any training that addresses that type of behavior.

Mr. McNARY. Well, we do have training, and I have raised the same question with the agency, and we call it charm school. But yes, we are emphasizing that.

You asked about investigators first. You are talking about inspectors, and there is no reason why our people—I think it takes some special training, because your example is different. But inspectors frequently will stand there all day long, and they will deal with a lot of abusive people. And so they get aggravated and take it out on somebody else.

But there are ways psychologically to train people to handle that, and that is what we are trying to do.

Mr. SMITH of Iowa. Those people on that plane, that was their exposure to the Federal government.

And then there are a few, I am hoping it is not very many, that when they question somebody they handle them pretty rough.

Mr. McNARY. We are going to try to improve that. We have a lot of inspectors, and they deal with a lot of people.

Mr. SMITH of Iowa. But you do it at your schooling? I assume you don't have continuing education courses, do you?

CONTINUING EDUCATION PROGRAMS FOR INSPECTORS

Mr. McNARY. We do have continuing education.

Mr. SMITH of Iowa. Do you?

Mr. McNARY. Yes. And we are revising that part specifically because I have directed it to be revised. Many of these people come to this country, and the inspector is the first person that they see.

Mr. KOLBE. That is right.

Mr. McNARY. And he is the best person to welcome them and make them feel as though they are wanted. So that is our objective.

Mr. SMITH of Iowa. They get an image of this country right there, just the same as they do in, where is it, when you come out of Brussels, it is so slow and so antiquated. You know, you just get an attitude that this is a backward country, just from what you see when you are trying to get through the gate. So it makes a lot of difference. It is an important thing.

Mr. McNARY. We agree.

IMMIGRATION REFORM ACT

Mr. SMITH of Iowa. Any more questions?

Mr. ROGERS. Yes. Mr. McNary, why is the Immigration Reform Act not working to prevent the entry of illegal aliens, particularly in Mexico?

Mr. McNARY. I think it is working. I think with the pressure, if you consider the ratio of the peso to the dollar, at the time of IRCA, and what it has done, it is worth four times less. The pressure to come across to find any kind of work without employer sanctions, without the border control measures that we have taken, I think we would have total chaos.

I think it is working. Employer sanctions is working. We can even point to fewer apprehensions, but I think we are talking about fewer people actually coming across. So employer sanctions, that part of it is vitally important.

Mr. ROGERS. Well, if you look at your apprehensions as a gauge of whether or not people are actually coming across the border illegally—

Mr. McNARY. I don't think you can do that. If I can interrupt you, I am not sure we can do that any more.

Mr. ROGERS. Why not?

Mr. McNARY. Because I think we are catching more. We put more people on the line. We do the fence repair. We are running people into the canyons. We have got infrared television, low-level television, sensors. We have got the place lighted, and it is difficult to come across. So we catch more people.

Now that shows more apprehensions, but it shows fewer people coming illegally.

APPREHENSION OF ILLEGAL BORDER CROSSERS

Mr. ROGERS. You are saying you are catching a higher percentage of those that are coming across illegally?

Mr. McNARY. Substantially higher. I think we used to catch one out of three. And when I was out there a month ago, we apprehended 3,000 people on a Sunday night. I will bet 500 didn't come across illegally.

Mr. ROGERS. If we were catching one out of three before the Act, then what is the ratio now?

Mr. McNARY. I think we are catching 75 percent.

Mr. ROGERS. Three out of four.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. SMITH of Iowa. I was down there one night. It was quite an experience.

One reason that these statistics may not tell the story is that once illegal aliens get those fake cards, they don't have to go back and forth like they used to. They used to go back and forth willy-nilly. If you didn't get in this week, why you try it another time.

But I am really suspicious about using those statistics to tell us how many you are stopping from entering the country illegally.

Mr. McNARY. Mr. Chairman, you know, you made that point before. Social security could make a secure card.

Mr. SMITH of Iowa. Well, the fact is they don't have one.

Mr. McNARY. I know.

SOCIAL SECURITY CARD AND OTHER IDENTIFICATION SYSTEMS

Mr. SMITH of Iowa. It is not whether or not they could. It is that we don't have a way to offset. For a while the employers apparently were able to, or thought anyway that they were liable, but now they know how to get around it.

Mr. McNARY. I think we are doing everything we can. You know, we are getting down to two secure cards. But the best solution would be one card issued by social security; jobs are under their jurisdiction, that would be shown to the employer, a counterfeit-proof card.

Mr. SMITH of Iowa. Well, electronically we could do it, but it will take five years to do it. You can have a way so that you can instantaneously know whether or not the social security number is a fake number.

Mr. McNARY. We also have a telephone verification system, a pilot that is starting in April, that should give us an indication whether or not when the employer has a new employee application, he can call in and access the data bank. I think we have seven million names in our data bank. And we think that that should help.

Mr. ROGERS. Is that the National Enforcement Operation Center?

Mr. McNARY. No.

Mr. ROGERS. That is something else?

Mr. McNARY. It is something else. It is something that was actually encouraged by Congress. If there is a way that an employer can just call in, much like with a credit card, and access a data

bank to find out if this person is eligible to work, and we think that that may do more than anything else.

The other technology I will mention, and I will do so without taking a position on it, but in airports there is a smart card. They have come up with a card that has a fingerprint programmed into the card and a gadget that you put your finger or your thumb in for frequent flyers, and we are pursuing this, instead of being inspected at all. You have got the card, you matchup a fingerprint, and you walk right through, because we know who you are and that you are eligible and safe, low risk to come through.

That same technology would eliminate fraudulent documents. I think it is revolutionary. If somebody brings the card in, he has to match-up that he is the person entitled to that card.

DUTCH USE OF FINGERPRINT TECHNOLOGY

Mr. ROGERS. You say you have that technology?

Mr. McNARY. That technology is available, yes. The Dutch are the pioneers, I guess. And we are meeting right now with airlines. I can get you a tape. If you want to see the tape, we can get you a tape and we will show you the technology. It is fascinating.

Mr. ROGERS. I would like to see it. That is a fingerprint reading machine?

Mr. McNARY. Yes.

Mr. ROGERS. I wish you would show that to the FBI, because we are spending 10 zillion dollars for the FBI to develop that technology. Who has it? Airlines or you?

Mr. PULEO. No. It is the Airport Authority.

Mr. McNARY. It is Dutch, but who are we talking about getting it from? The Dutch. We are getting it costed at the present time.

Mr. ROGERS. Do you have their telephone number?

Mr. SMITH of Iowa. That is part of the identification center.

Mr. ROGERS. Well, one of the most frustrating things, since I have been in Congress, is that every agency claims to have a machine that will read fingerprints, but we have not found many instances where it really works. I mean the FBI is building this \$600 million center out in West Virginia just for that purpose. We have been trying to get Immigration and Customs and the State Department together for years for the machine-readable, visa program could use that technology.

So, if we could finally perfect that machine, we could solve all the world's problems.

Mr. McNARY. I wouldn't be discouraged. I think we are making significant progress. You pushed for IBIS, and IBIS is a reality. AFIS is going to be a reality as well.

We are working with the FBI, and we have taken the money that you have appropriated and have tested it. We are plugged in. There have been two studies that were just completed by INS and by the FBI. So, you know, I think it is not moving as fast as you and I would like, but it is moving.

SOCIAL SECURITY SECURED CARD

Mr. ROGERS. You mentioned that the Social Security Administration could make a secured card. What effect would that have, if

they were able to do that or did do that, on illegal aliens coming in?

Mr. McNARY. An employer would be able to ask for a social security card when they applied, and it would control the eligibility.

Mr. ROGERS. It would make the Immigration Act enforceable, is that what you are saying?

Mr. McNARY. Yes, sir.

Mr. KOLBE. More enforceable, at least.

Mr. McNARY. That would do it, especially in conjunction with a smart card.

Mr. ROGERS. Has anyone talked to social security about doing that? Have you talked to them?

Mr. McNARY. We have.

Mr. ROGERS. What do they tell you?

Mr. McNARY. They have their hands full with lots of other things.

Mr. SMITH of Iowa. Aren't they working on one of those?

Mr. McNARY. The last I knew, they were not.

Mr. KOLBE. I thought they were working on one with a hologram which is very expensive.

EMPLOYER SANCTION VIOLATIONS

Mr. ROGERS. Now, how many prosecutions have we undertaken of employers who have allegedly violated the employer sanctions?

Mr. McNARY. Well, in that six-month period, there were 6,000 arrests and/or citations. I have a complete information sheet on that. It amounted to \$6 million in fines that we assessed, and then we got final orders for \$3 million in fines. That was for six months, so you can double that. A total—in that six months—a total of 6,671 arrests.

Mr. ROGERS. Well, that is about a thousand dollars, average, a thousand dollar fine, right, for a violation? 6,000 violations, \$6 million fines, a thousand dollars apiece?

Mr. McNARY. Yes. I trust your arithmetic.

Mr. ROGERS. They could get hired illegally and make that up in a couple of weeks probably, couldn't they?

Mr. McNARY. We just got a million dollar judgment. So we are getting some—not that we are going to get many million dollar judgments, but there is a greater emphasis on it.

ENFORCEMENT OF EMPLOYER SANCTIONS

Mr. ROGERS. Well, if we don't enforce the employer sanctions, then the whole act is meaningless. That is the whole crux behind the Act. I personally voted against the doggone thing, because I didn't think it would work, and I think I am, at least in my own mind, I think I am correct about it. We traded legalization for the sanctions, and if we don't enforce the sanctions, then we have legalized all those people for naught.

And it doesn't seem to me like you are enforcing the employer sanctions very effectively. A thousand dollars per employer per violation is pennies, pocket change to those people. Any thoughts about that?

Mr. McNARY. Well, we will go for the fines that we can get. We are in a prosecutor's position. These are businessmen in many cases, and they make their plea to the judge. You have been through this. And we know pretty much what the traffic will bear.

Mr. ROGERS. Do any of these go to the judge or are these plea bargains?

Mr. McNARY. Some of them are plea bargained. Some of them will go to the judge.

Mr. ROGERS. Do you have any statistics on that?

Mr. McNARY. No, but we can furnish that.

Mr. KLEINKNECHT. Very few go to the judge.

Mr. ROGERS. A deal would be struck between the investigator for INS and the employer? He pays a small fine and takes his worker and goes on back to work, is that right?

Mr. REES. I am Joseph Rees, the General Counsel.

Actually, the fine is assessed in order to get a fair statement of what the average would be. You have to divide it not by the number of arrests but by the number of final orders, which was 808. So that would actually come out to something like \$7,000 on the average.

And our employer sanctions unit, although it is small, and it is one of those many areas where we welcome more resources, it is one of our most cost-effective units and one of our most active within the legal proceedings program.

Mr. KOLBE. I hope so.

Mr. REES. They do settle cases, but we make sure that deterrence factor that you raised, that we don't want to let somebody settle a case for less than a certain amount—and have it be profitable to go on violating the law, because you make more for every violation than you are going to have to pay pro-rata in fines, that is exactly the calculation that we do. And we will be glad to take a look at it and see if we are doing it wrong, but we don't think we are.

Mr. ROGERS. You arrested 6,000 which resulted only in 800 prosecutions, I guess, or successful prosecutions.

Mr. REES. It only came to 800 final orders. We hope that more of those will be successful.

Mr. ROGERS. They are still pending?

Mr. REES. Yes, sir. It is increasing every year. We are bringing more prosecutions every year than we brought the year before, and therefore presumably next year—this 808 was for six months, so you can say 1,600 for the year.

Next year, if we get 3,000, that will mean that half of those 6,000 that were at the—it is not technically an arrest, but the notice of intent to fine stage would have come to fruition.

There is judicial review. As you now know, there are several tiers of judicial review that are available before you get a really final enforceable order, and that is built into the statute.

But we feel that with the resources we have, statistics in this area are better than they are in terms of how many final orders you get in the deportation and exclusionary cases.

MANPOWER FOR ENFORCEMENT OF EMPLOYER SANCTIONS

Mr. ROGERS. Are we short of manpower to go after the employers?

Mr. McNARY. To go after employers, we have added 50 under the reprogramming, and we have redeployed our investigators, based on a 30-30-30 formula, so that 30 percent of our investigators are designated for employer sanctions. Do we need more? Yes.

Mr. ROGERS. You do? You don't feel very strongly about it?

Mr. McNARY. I feel strongly about it. I came up with a budget; that doesn't mean that I am going to sit here and tell you that we don't need more. We do need more.

Mr. ROGERS. Where are you short in that process of prosecuting employers who hire illegal aliens?

Mr. McNARY. We need more people that aren't necessarily highly trained investigators but can make the visits and ferret out those who are in violation.

Mr. ROGERS. Is it investigators, is it prosecutors, is it lawyers, what is it?

Mr. McNARY. They are investigators, but we are talking about a general investigator, that is a GS-9. We can use that same type of investigator to do the paperwork and identify criminal aliens.

Mr. ROGERS. You wanted to say something?

Mr. KOLBE. No, that is all right.

Mr. KLEINKNECHT. No, sir.

NATIONAL ENFORCEMENT OPERATION CENTER

Mr. ROGERS. Okay.

Finally, and quickly, the National Enforcement Operation Center, you requested \$1.5 million. What is that?

Mr. McNARY. That is a center that would be available and would really utilize all of the country's law enforcement agencies, State and local, so that if somebody is picked-up and there is an indication he is an alien, the people at this center would be available to do a background check and provide information regarding alienage.

By way of example, we have started plugging criminal alien information into the NCIC, and 250 names have gone in that we have final orders on. And there has been a 10 percent hit rate, and that just started about three months ago. So by the end of the fiscal year we will have a thousand names and it could go up to ten thousand, but there are a lot of criminal aliens out there that if we are working with State and local police, and they can be brought to our attention, we will remove them from the country.

Mr. ROGERS. So, this would be sort of an NCIC for illegal aliens? A law enforcement agency, if it arrested somebody for something, could call up this center and find out whether or not this person is being wanted by you as an illegal alien?

Mr. McNARY. Yes.

Mr. ROGERS. That would be local police, a sheriff's office, FBI, whoever?

Mr. McNARY. Yes. Along with a guarantee that if we hit on him, we will pick him up and remove him.

Mr. ROGERS. Why not just use the NCIC system, rather than have a new system?

Mr. McNARY. We think it takes a special alien data bank. Let's say we don't have information to deport them. We will plug the name in, track him through the process and deport him after whatever disposition there has been of his case. But I think it takes a special criminal alien communications system.

Mr. ROGERS. What would prompt a local police officer to want to call that system in the first place?

Mr. McNARY. Well, State and local justice systems are overwhelmed, as is BOP, with criminal aliens. Aliens have become a big percentage. They clog dockets. They take up detention space. And so, to the extent that we can remove them, we take the pressure off of everyone. I think it is to everyone's advantage to have this kind of communication, coordination and cooperation.

Mr. ROGERS. How soon could you have this up and running?

Mr. McNARY. I think we could have it up and running, at least as a pilot, quickly.

Mr. ROGERS. Six months?

Mr. McNARY. A couple months. We have the capacity right now. We would try to piggyback on existing support capacity.

Mr. ROGERS. I thank you.

LINKING NCIC TO NATIONAL ENFORCEMENT OPERATIONS CENTER

Mr. SMITH of Iowa. It seems to me, to follow up on what Mr. Rogers said, that local policeman is going to make one call into NCIC. He isn't going to want to be plugged in to another system. There must be some crossover, some way to link them up.

Mr. KLEINKNECHT. The National Enforcement Operations Center permits the State and local police to have one location where they can go to get alien information. Most police officers deal with U.S. citizens, and the identification is quite clear. When he comes across an alien, the identification becomes very vague. He has green cards, visas, all kinds of documentation, and it is hard for a police officer to understand whether this person is who he says he is.

The support center will permit all the State and local police to call one number, by phone or by teletype—

Mr. SMITH of Iowa. There is a separate number?

Mr. KLEINKNECHT. It will be by teletype or telephone, so that our support center will be able to tell the local police who this alien is, if he has false documentation or good, if he is who he says he is, if we have issued him a green card. We will be able to tell the police we have issued this green card, and he is who he says he is.

The second thing it does for us, you begin now to track the criminal alien. If he is convicted of a deportable offense, our tracking begins right then. So we reduce the probability that they will be released on the street before we can deport them.

The third thing is, we can tell them whether they are wanted by State and local police in addition to NCIC. Not all warrants are in NCIC.

TRAINING FOR PART-TIME INSPECTORS

Mr. SMITH of Iowa. You have part-time investigators and inspectors both, do you?

Mr. McNARY. We have part-time inspectors; no part-time investigators.

Mr. SMITH of Iowa. You explained to me the training the full-timers get. What type of training do the part-timers get?

Mr. McNARY. Currently they get local training. As I mentioned, we are putting together a special training program for part-time employees.

Mr. SMITH of Iowa. It won't be 14 weeks though. I mean, it would not be cost-effective to give 14 weeks of training to part-time employees.

Mr. McNARY. Closer to four weeks.

Mr. SMITH of Iowa. I see. They would be required to go four weeks before they could work part-time?

Mr. McNARY. Yes.

Mr. SMITH of Iowa. They wouldn't do that if they were just going to work two months during the summer like the school teacher you talked about, unless they are going to do it every year.

Mr. McNARY. The ones that I have seen do it every year, and a big percentage of them are teachers.

Mr. SMITH of Iowa. So your part-timers really are regular part-timers?

Mr. McNARY. Yes, sir.

Mr. SMITH of Iowa. Any more questions?

INS STAFFING MODEL

Mr. KOLBE. Yes. Thank you, Mr. Chairman.

I am going back to the GAO study now. We have some questions about that. I want to quote from that. Quote: "INS has one model, the land border staffing model, for determining staffing needs along the land border. Calculated to 1,052 inspectors were needed along the southwest border, 412 more than were authorized. INS did not provide us with the model because it was under development. INS did provide us with the elements and factors that make up the models so that they would be replicated." Unquote.

Is it your view that they did not replicate it correctly and that is why you think they are wrong in coming up with 1,052?

Mr. McNARY. I don't know that they are wrong. They could be right. I just don't see any empirical data or any justification.

Mr. KOLBE. Well, they used the factors and elements that you gave them in your land border staffing model. What staffing model are you going to use to calculate what you need?

Mr. McNARY. I can't answer that because we have contracted for a study on it, the one that should be finished in a couple of weeks, RAIL Corporation. We think that they are better prepared to give us some accurate guidelines and ratios than we are to do it ourselves.

Mr. KOLBE. All right.

Well, Commissioner, though, GAO used a model that you gave them and the elements and the factors to replicate it. Presumably, what you have given to your outside contractor must be something similar to that. You just dismiss the idea that GAO's figure that they come up with of 1,052, you said that there is no empirical data for that. I am just wondering why you dismiss that so lightly when

it was based on the information that came from your own land border staffing model.

Mr. McNARY. Well, we don't agree with that. It didn't come from our own staffing model.

Mr. KOLBE. It did not? You did not give them the elements?

Mr. McNARY. That is right.

Mr. KOLBE. So GAO is not telling the truth here, is that right? It says INS did provide us with the elements and factors that make up the model.

Mr. McNARY. Why don't you answer it, Jim?

Mr. PULEO. Congressman, we told GAO that we created an in-house model that was incomplete, and we were not satisfied with it. They insisted on receiving the elements that we are internally generating, which they did receive.

But although we created a staffing model, both for airport and seaport, we were not secure in the model we created for land border because there were so many variables. That is why we contracted with the RAIL Corporation to provide us the mechanism to create not only a staffing model for land border but also some type of management tools that we will be able to disseminate to the Board of Directors, so that they can better utilize their current staffing.

GAO was made aware of our insecurity with the in-house staffing model, and they were also made aware of the fact that we were contracting with an engineering group to provide us the staffing model.

SOURCE DATA USED FOR GAO STAFFING MODEL

Mr. KOLBE. Okay. But you still have to give some input to the outside contractor, is that not correct?

Mr. PULEO. No. We are only giving the numbers on passengers inspected. The method by which they use that data to provide projections for numbers of staffing requirement is up to them. We would not want to bias that in any way.

Mr. KOLBE. So GAO is creating assumptions. In other words, if they say an hour and 45 minutes is not a long wait, you are going to let them do that?

Mr. PULEO. Right. They are creating the software we can actually put into the computer where we can generate any type of what-if. What if we put one more inspector on the line, how will that impact? What if we put one more inspector in secondary, how will that impact? What if we add five more lanes, how will that impact?

So they are giving us not only that capability but the methodology in which we can create our staffing model.

BORDER PATROL AGENTS

Mr. KOLBE. Switching to border patrol, I didn't get a chance to ask any questions on that. Your 1993 request has a request for 500 additional border patrol agents. That is a combination of the reprogramming and the fiscal year 1993 request. Is it your view that this figure will significantly help deter illegal immigration?

Mr. McNARY. You know, it is hard to make a commitment on that, but you know, we feel as though we are making significant

progress, and the numbers, 500 border patrol agents is a significant gush of manpower.

Mr. KOLBE. It is. Presumably, it would lead to more apprehensions, is that not true?

Mr. McNARY. That is correct.

DETENTION SPACE

Mr. KOLBE. You have a significant lack of detention space now for criminal aliens. I have been told a lot of them are being released on their own recognizance, which means they just, of course, disappear. Is that true?

Mr. McNARY. We are short of detention space. Obviously, that is the reason that we have asked for detention space in this budget. The areas where we are freeing up detention space is in removing criminal aliens. 60 percent of our detention space is occupied with criminal aliens that we don't want to take custody over in the future. We want to get them out of the country from the institution where they are being held. That should free-up some space.

The other area is with those who come in at airports and overwhelm us, and in order to stop the magnet effect, we have to detain them. There needs to be, and I think there will be, legislation presented that would give us a better way to handle that. But we need the detention space to create a deterrent effect. We are working on more detention spaces. That all goes with more border patrolmen, fence repair, addressing the high traffic corridors and a comprehensive approach to bringing this border under control.

ALIENS AWAITING DEPORTATION

Mr. KOLBE. Do you have a large number of aliens awaiting a deportation hearing, but not in detention?

Mr. McNARY. Yes.

Mr. KOLBE. Is it rising?

Mr. McNARY. Well, I would say it is rising, and——

Mr. KOLBE. Is that because of a lack of detention space?

Mr. McNARY. Well, we probably have a hundred thousand final orders on people. The new IMMACT has created a provision for absentia orders. We would like to be in a position, concerning the communications center, if we get final orders on people, we are not going to be able to go out and find them. These people who are on the docket but are on their own recognizance or on a bond, we are not going to find them, in my opinion. I think our best chance is, when they get in trouble, is to be notified. We pick them up. We have the orders, and they are not detained. They are deported.

Mr. KOLBE. I guess I am still not sure I got the answer to the question. Is the number rising because you don't have a place to hold them, or are there other factors that are involved?

Mr. McNARY. Well, we would have the authority to detain a big percentage of them. But it is not even close, you know. We have——

Mr. KOLBE. Not even close to, I am sorry, close to what?

Mr. McNARY. Well, we have 6,000 spaces, you just don't put a hundred thousand people in them.

Mr. KOLBE. So it is a lack of space then. That is clearly a factor. I am not suggesting we should build a hundred thousand spaces as a result of that.

LAND BORDER PILOT PROGRAM

A couple quick questions on the pilot fee program. I think a commitment was made—I am talking about the Blaine, Washington program—that those fees that were generated in that program would stay at that crossing station, is that correct? Can you demonstrate that that has been the case, that you have not reduced your request for that but have actually put those monies back into that station?

Mr. McNARY. We can.

Mr. KOLBE. Has it gone to hire more inspectors, or what has it been used for?

Mr. McNARY. More personnel.

Mr. KOLBE. More personnel. You have suggested that you would like to expand that program on the southern border. Are you going to expand it into other locations on the northern border?

Mr. McNARY. Yes.

Mr. KOLBE. So you will be expanding that.

Mr. McNARY. We are looking at Buffalo and Detroit soon.

Mr. KOLBE. Can you tell me, and, if not, for the record could you provide us, what had you originally projected as the number that might apply for that pilot program? And did not the number applying actually meet the expectations? I think you said yesterday to me in my office that you have 12,000 people that—

Mr. McNARY. 12,000 have applied. We projected 20,000, and I think that we are probably on course for that.

Mr. KOLBE. So 20,000 over a certain period of time. Do you think you are going to meet that number? People are still applying for it?

Mr. McNARY. Yes.

FREE TRADE AGREEMENT

Mr. KOLBE. Okay.

Final question, Mr. Chairman, on the Free Trade Agreement.

I think whether or not we have a Free Trade Agreement, the expansion of trade along the southern border is going to increase exponentially. But with a trade agreement it will be even more, how much more we don't know. Are you factoring the North American Free Trade Agreement at all into your planning process?

Mr. McNARY. Well, we are, but we are so far behind, frankly, as we both agree, that just to get up to the strength that we need under existing conditions, economic conditions, either there is going to have to be a hefty appropriation to double the inspectors on the border, or we are going to have to finance this with a user's fee. And we think that the user fee is the best chance. And the pilot bears that out so far.

PRIORITY GIVEN TO APPREHENSION OF ILLEGAL ALIENS

Mr. KOLBE. Leaving aside the fee as a solution, would it be correct to say that your priority, perhaps given to you by Congress, has been the apprehension of illegal aliens, not the processing of

legal crossings? I phrased that in a way that makes it sound very negative. But certainly if you look at your reprogramming and the 500 border patrol, and nothing for the land border program, it would seem to me that your priority is in the apprehension of illegal aliens.

Mr. McNARY. Well, almost. I am not going to write that off. But let me say that when you consider inspections of airports and seaports, I believe, is a problem solved. The user fee will provide a first-rate service with examinations. The examinations fee is covering not only examinations but is covering some other things that give people access, like the refugee and asylum programs. So those are services.

Now, when it comes to some money that can be shifted to border patrol or investigators for border control at a time when this economy needs to really concentrate on some jobs for people who are eligible for jobs, I think that has to be a top priority. And especially when you look at the land border ports of entry, and we are showing some signs of success with a pilot, if we extend that, then that is the way to finance that service.

So you know, no question, control of that border as listed is our number-one priority. I think it is the Attorney General's number-one priority for us, and the President's. But we are trying to address all the services as well.

FACILITATION OF LEGAL BORDER CROSSINGS

Mr. KOLBE. I understand that.

Commissioner, you can understand from somebody who represents a border area where jobs are created when people can legally cross the border in both directions. Mexicans can come to this country legally to shop, and the ease with which they can make that crossing contributes significantly to the border economy. So yes, I am concerned. We are concerned about apprehending illegal aliens, but we are also concerned about what I think is a legitimate function of the Immigration Service, and that is to facilitate the legal crossing of people on the border.

Mr. McNARY. Yes, sir.

Mr. KOLBE. You are in a unique position, being a law enforcement agency that has a function of being a service agency as well. All law enforcement to some extent does that, but the local police have a job of preventing somebody from breaking the law. Only secondarily do they help the traffic move more smoothly. It is just as important for you to facilitate the legal crossing of people so that the commerce of the United States can be conducted. I just hope we don't lose sight of that function.

Mr. McNARY. That is uppermost in our minds. We take that seriously and intend to emphasize that, and we know it is a shrinking world with people on the move, and we want to be prepared to move people.

That southern border—as I said to you yesterday, I plead for your help. We need your help. We are at an impasse, and I think we have to go forward with the express lanes. We are ready to go in El Paso, and there just needs to be Government-wide discussion to get it moving.

Mr. KOLBE. Thank you, Mr. Chairman.

VISA FEES

Mr. SMITH of Iowa. One more question about these fees.

I believe you gave an example that if there are 200 people in a group, the fee had been \$80, and will now be \$2,000, is that correct?

Mr. McNARY. Yes.

Mr. SMITH of Iowa. Now, is that so much per person? How is that determined?

Mr. McNARY. It was determined by a group, that was it, the group that got the advantage before? Why don't you answer it?

Ms. SALE. Previously, any size music or artistic group would pay the same fee, so that if you had—

Mr. SMITH of Iowa. For the whole group?

Ms. SALE. Yes. If you had a band of five people you had an \$80 fee. And if I had an orchestra of 2,000 people, I paid the same fee. So, in fact, you were subsidizing my fee.

The new fee requires a basic \$70 fee per group and then an additional \$10 per member in the group.

Mr. SMITH of Iowa. I see.

Ms. SALE. The community at large, in responding to the fee regulation, which was promulgated through all the proper procedures last year, asked the INS to deliver them large amounts of data for income tax purposes and things of that nature, that we would then give per individual in these groups so that they would be able to claim the costs of doing business.

That levied a requirement on us that wasn't previously there, and we feel that this now equalizes the costs to consider the different sizes of groups, and then recognizing that in some instances we were increasing the cost to an individual group that previously hadn't had to pay as much, reduce the effect then in an extension.

And my understanding is that extensions occur with some high level of frequency, and so that does have a bearing.

IDENTIFICATION OF INDIVIDUALS IN ENTERTAINER GROUPS

Mr. SMITH of Iowa. But you do have to have information on every individual in the group?

Ms. SALE. We do, yes. But, in exchange, the brokers of these groups who are really the people that are paying the fee, many of them frequently being U.S. citizens or U.S. entertainment industry types—

Mr. SMITH of Iowa. Do you depend on them to get the information?

Ms. SALE. They ask for information from us then, so that they could use that for whatever their accounting and business purposes are. And that was a service that we are providing that we hadn't previously provided that also was taken into account.

Mr. SMITH of Iowa. But where it is a group, you depend in large measure on information that they give you?

Mr. SMITH of Iowa. But where it is a group, you depend in large on the group. We previously used to say, OK, your group is approved, here is your approval for the group.

They also are now asking us to give them the approval with data specific to every individual in the group, which is more information than we used to give.

Mr. SMITH of Iowa. We are only talking about \$10 a person here?

Ms. SALE. That is right, sir.

Mr. SMITH of Iowa. OK. Thank you.

Ms. SALE. Thank you.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Immigration and Naturalization ServiceManagement Problems

QUESTION: Last year, the Committee approved a major reorganization designed to correct a number of management problems at the Immigration and Naturalization Service. Can you provide us with an update on the implementation of the reorganization and how it is working, especially in the field?

ANSWER: Implementation of the Immigration and Naturalization Service's (INS) reorganization plan, approved by the Attorney General on April 19, 1991, and by Congress in May of that year, was effective July 1, 1991. The reorganization was intended to address charges of lack of coordination and oversight within the Service by enabling the Commissioner to focus on policy oversight and external affairs while vesting management responsibility for the Service's affairs in two new Executive Associate Commissioners, one for management and the other for operations. The plan increased operational and managerial accountability, and centralized lines of authority within a chain of command reporting directly to Headquarters.

With the reorganization, titles and authorities of the Senior Executive Service executives in each of the four INS Regions were changed, as were the reporting channels of these officials, INS District Directors, Chief Patrol Agents, and selected regional office personnel. These changes were also effective July 1, 1991.

The selection and entry-on-duty of candidates for the newly-established Senior Executive Service positions of Executive Associate Commissioner for Management, Executive Associate Commissioner for Operations, Associate Commissioner for Finance, Director of Internal Audit, and Director of Security have already been effected. Announcements for the remaining positions established by the reorganization were posted in June 1991, and interviews have been conducted. Revisions to the appropriate sections under Title 8 of the Code of Federal Regulations were approved by the Department of Justice on April 8, 1992. The revised regulations will be published shortly. The updates to the Immigration and Naturalization Service Administrative Manual are under final review at the Department of Justice.

Implementation of the Service's reorganization plan has played a major part in correcting several management problems. For example, reporting channels, which now require that District Directors as well as Chief Patrol Agents report to the Executive Associate Commissioner for Operations, have effectively diminished overlap and duplication in the enforcement program. With authority for all enforcement activity centralized in Headquarters, rather than at the local or Regional level, duplication, overlap, or conflict of roles and responsibilities of INS programs is greatly

diminished. Similarly, greater consistency of policy and procedures in immigration benefits areas has been ensured by centralizing authority at Headquarters.

QUESTION: Are there any aspects of the reorganization that are not working as you proposed and you would like to change?

ANSWER: The Service believes that more time must elapse to see if changes resulting from the reorganization accomplish the desired objectives. If difficulties do arise that might necessitate modifications to that plan, the INS will work through the Department of Justice to secure further improvements.

London Preinspection

QUESTION: The conferees on the 1992 Justice Department Appropriations Act requested quarterly reports on the status of the London Preinspection initiative, beginning by January 30, 1992. We have not yet received a report. Could you provide us a status report at this time?

ANSWER: The INS is aggressively pursuing preinspection in London, England by seeking the Department of State's agreement to begin negotiations with the United Kingdom (U.K.) as soon as possible. The Service is planning for implementation as early as possible in this calendar year.

Inspections staff officers traveled to London, England, in December 1991 and February 1992 for preliminary meetings with Department of State and U.K. Government officials concerning the implementation of preinspection at Gatwick and Heathrow Airports in London. They met with officials from the U.K. Immigration Service and Department of State personnel located at the U.S. Embassy, London. The officers were given tours of both Gatwick and Heathrow airports by the U.K. Immigration Service.

Both airports have limited space to house a U.S. immigration operation. United States-bound flights currently use departure gates that are scattered throughout both terminals. This situation makes it difficult for INS to position a limited number of U.S. officers to inspect flights. If the British Airport Authority (BAA) concentrates departure gates for U.S.-bound flights in one area, INS will be able to use personnel resources more effectively. Also, because space at both airports is at a premium, INS will have to be more flexible with respect to the sterile areas for inspected passengers.

On January 8, 1992, the National Security Decision Directive 38 (NSDD-38), requesting approval from the U.S. Embassy for additional overseas staffing, was sent to the Office of Management Policy at the Department of State for comments from all interested Bureaus. When the comments were completed, the Office of Management Policy cabled the NSDD-38 and the comments to the American Ambassador, London, who has approval authority regarding the request. As soon as the

NSDD-38 is approved, the INS will begin work with the Department of State to set up negotiations with the Government of the U.K.

QUESTION: What is the reason for the wide variance in your anticipated staffing of between 50 and 124 Inspectors for the London Preinspection Program?

ANSWER: Initially, INS plans to open preinspection with up to 60 Inspectors and support staff. An implementation plan needs to be developed in consultation with all relevant parties in the Government of the U.K., particularly those involved with facilities and airports. The type and size of the preinspection facility provided by the BAA will affect the number of passengers that can be inspected and, therefore, the number of inspectors required to staff the program. When these plans are finalized, staffing will be adjusted accordingly.

Statistical analyses by the U.S. Departments of Transportation and Commerce indicate continuing growth in 1992 to 4.1 million passengers, up 7.9 percent from 1991, on approximately 70 daily flights to 23 U.S. airports from London. Using these statistics, if all U.S.-bound flights were preinspected, INS would need 124 inspectors and support staff. This number was based upon the use of a staffing model developed by the Office of Inspections to analyze staffing requirements at all ports-of entry. The model goes beyond a straight workload analysis by including factors which make one port different from another, such as multiple physical sites for inspection at a port-of-entry.

QUESTION: I understand that the British Government refuses to grant full diplomatic status to your INS Inspectors. Is this true and how will this impact the program?

ANSWER: The London Embassy reports that the U.K. Government will not grant administrative and technical status to INS personnel since they are not carrying out a traditional diplomatic function on Embassy premises. Immigration Inspectors assigned to pre-clearance stations in Canada continue to experience serious problems because they are not granted any diplomatic immunities or privileges. The difficulties that our officers encounter affect their quality of life and the Service's ability to recruit qualified personnel. Problems range from resident importation taxes to the lack of immunity from civil liability. Since the Service has not entered into formal negotiations with the U.K. Government, the issue of what privileges or immunities to grant INS Inspectors has not come to closure.

QUESTION: Does the INS intend to pick up the full incremental cost of this Preinspection Program?

ANSWER: The INS is responsible for all costs associated with preinspection officers and support staff, including additional expenses incurred by the Embassy due to the preinspection operation. The Service is also responsible for all supplies

and automated data processing equipment and installation as well as any recurring costs. Costs arising from preinspection facilities will be the responsibility of the airport authority, but may be recouped from the participating carriers.

Members of the Air Transport Association (ATA) have assured the U.S. Ambassador in London that the airlines would provide facilities for the preinspection sites at Heathrow and Gatwick Airports. The INS has sufficient Immigration User Fee Account resources to support all other continuing costs of the Preinspection Program.

QUESTION: Do you have any estimates of how much this Preinspection Program will reduce inspections workload and passenger waiting times at U.S. airports once it is fully implemented?

ANSWER: Approximately 20 percent of the 50 million international arrivals by air are inspected at pre-flight inspection sites. Approximately 4.1 million passengers will arrive in the U.S. from London's Heathrow and Gatwick Airports in 1992. A survey conducted by the Department of Transportation during the London Preinspection Test Program showed that average flight clearance times of preinspected passengers were 23 to 31 percent less than flight clearance times of post-flight inspected passengers.

ATA's survey of passengers who travelled between London and the U.S. during the preinspection test program revealed that the average person waited only seven minutes for immigration inspection prior to boarding a flight, contrasted to a typical one to two hour delay in being inspected by the INS after arriving in the U.S. at that time. At U.S. airports the reduction in waiting time is expected to be significant since the London passenger workload represents 10 percent of total airport traffic which will no longer require processing at the U.S. destination airport.

QUESTION: Is the INS examining any other potential preinspection sites? If so, what is the status of negotiations?

ANSWER: The INS is considering expanding preinspection to additional Western European sites. Brussels may be considered as the second site after London. The Government of Belgium has actively sought to have preinspection at Brussels by offering to build a separate facility for the INS. Such cooperative efforts on the part of the host country would ease implementation plans.

Land Border Inspections

QUESTION: Why does neither your 1992/1993 reprogramming nor your 1993 budget request address ongoing concerns about lengthy delays at our land borders?

ANSWER: The 1992 appropriation for the Service provided 135 positions for land border inspections. These resources

combined with the implementation of pilot programs under the Land Border Inspection Fee Account address problems with delays at the Nation's land ports-of-entry.

QUESTION: Between your reprogramming and the 1993 budget request, you would add 500 Border Patrol Agents, 294 Investigators and 248 airport Inspectors, but you would add no new land border Inspectors. With the increased level of resources available to you, how can you ignore the problems at the border crossings?

Answer: Several initiatives recently undertaken in the land border inspections area will allow the INS to fully meet the dual requirements of law enforcement and travel facilitation at all ports-of-entry. The hiring of the 135 new employees approved by the Congress as part of this year's appropriation is now underway. This increase represents a significant improvement in the land border staffing structure, essentially a rise of 13 percent above last year's 1,033 authorized level.

The addition of these new officers to the staffs of the larger urban-area ports is expected to materially improve our ability to avoid the lengthy traffic delays that currently occur. Additionally, progress is being made on the expansion of the dedicated commuter lane concept to new locations. Plans call for this program, currently in full operation at the Blaine, Washington facility, to be expanded to additional major locations during 1992 and 1993. The diverting of the vehicles of frequent travellers into specially-equipped processing lanes results in a net improvement of overall facility efficiency and allows all applicants for admission to be more quickly processed.

The INS is also developing improved automated inspection tools such as fingerprint scanners and document readers to allow improvements in officer effectiveness through increased detection of fraud and deterrence of illegal entry. An additional initiative involves the development of a comprehensive staffing model geared to the unique requirements of the land border facilities. Following completion of the model, the Service will be able to better quantify the relationship between officer staff and workload at all border locations and will be in a position to reallocate existing staff, if warranted, as well as define future resource requirements.

QUESTION: I understand that you worked very closely with the Customs Service in implementing the Blaine project, but that they refuse to cooperate on any further expansions. Why?

ANSWER: After implementation of the initial commuter lane in Blaine, the INS began work on plans for a southern border test at the Paso del Norte Bridge in El Paso, Texas, initially scheduled to open in September 1991. Unfortunately the U.S. Customs Service has actively opposed this project since inception and continues to prevent its implementation.

In Section 532 of the Treasury, Postal Service and General Government Appropriation Act, 1992, there is a provision that states: "None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fees at ports-of-entry along the United States-Mexico border." The Customs Service has used this section to inform INS that if plans for commuter lane expansion continue, or actually come to fruition, Customs will withdraw written authority for Immigration Inspectors to perform primary inspectional duties for Customs and will reissue such authority valid only for non-commuter lanes. In effect, this would mean that any vehicle using a commuter lane would be stopped twice, once for immigration inspection, and once for customs inspection, while all other vehicles entering through regular lanes would only be required to stop once, thus nullifying any gain in facilitation.

QUESTION: Is this lack of cooperation by Customs halting the expansion of the program, or will you be able to proceed without them?

ANSWER: The Customs Service's proposed withdrawal of primary inspections authority from the INS Staff has essentially forced the Service to suspend current plans for expansion of the special lanes to locations along the southern border. Customs is, however, willing to discuss possible expansion of the lanes to other locations along the northern border.

QUESTION: Other than your problems with Customs, are there any other significant problems delaying the expansion of this program?

ANSWER: Although unique problems are expected to be encountered at new locations, such as those resulting from existing physical plant configurations, these are surmountable and will not preclude expansion of the commuter lane concept.

QUESTION: Are you in a position to share with the committee any plans you might have for the expansion of the Land Border Fee Program, to include the testing of new proposals other than a commuter lane?

ANSWER: Plans have been formulated to test a Dedicated Commuter Lane (DCL) on the southern border at the Paso del Norte (PDN) Bridge in El Paso, Texas. Other locations on both borders are under study. The El Paso project can be put into place within 60 days of the resolution of the problem cited by the U.S. Customs Service. Pursuant to Public Law 101-515, a report to Congress is required, 30 days prior to implementation of the DCL. In addition, a publicity campaign must be put in effect in the El Paso area. Decals and applications have previously been approved, published, and delivered to the PDN Bridge. The Customs Service has recently offered to work with the INS on other DCL's along the northern border only. At this time, several locations are under study. As soon as the preliminary implementation plans have been assessed by the Inspections Program Staff,

a decision will be made on locations and target start up dates.

Detention

QUESTION: There have been a number of news accounts concerning detention problems in the New York City area due to the large influx of undocumented aliens. What is INS doing to address this issue?

ANSWER: INS is presently attempting to locate additional detention space in the New York area. A recently-approved reprogramming request for \$3.6 million will provide a 300-bed Immigration User Fee detention contract facility in the New York area. In addition, the Service uses a 100-bed contract detention facility and 84 beds at the Varick St. Service Processing Center (SPC) to detain Immigration User Fee cases.

Additionally, INS plans to enhance overseas deterrence activities by detailing officers to source airports to assist and train airline employees in screening the travel documents of departing passengers. It is anticipated that this will reduce the number of passengers arriving who are determined to be inadmissible due to improper documentation.

QUESTION: What detention costs does INS pay for out of the fee accounts and what costs are borne by the airlines?

ANSWER: Pursuant to the provisions of sections 237(b), and 273(d) of the Immigration and Nationality Act (INA), transportation carriers are liable for the detention expenses of aliens whom they transport to the United States, and who, upon inspection, are deemed to be stowaways as has been the case when persons have arrived at air ports-of-entry who are not in possession of travel documents or evidence of boarding.

In addition, pursuant to sections 238(c), 238(d) of the INA, carriers have entered into contractual agreements with the Service to provide for the detention expenses of persons transported to the United States as transit without visa and are determined to be inadmissible at the time of inspection.

The statutes which established the Immigration User Fee Account in 1986 did not relieve the carriers from their legal responsibilities for detaining stowaways at their own expense, nor did it relieve them from their contractual obligation to incur the detention costs associated with passengers boarded as transit without visas and found to be inadmissible, as delineated in 8 CFR 238.3(c). That section states that alien custody and maintenance costs for transit without visa passengers are exempted from the provisions stipulated in 286(g) and 286(h) (2) (A) of the Act.

Under the Immigration User Fee Account, INS is responsible for costs related to detention of aliens using fraudulent documents, or who are determined to be inadmissible for other reasons as defined under the Immigration and Nationality Act.

These costs include, but are not limited to: alien travel, shipment of aliens' personal effects, and detention related costs.

To enhance overseas deterrence activities, and thus reduce expenses for both INS and the airlines, INS plans to detail officers to source airports to assist airlines in screening the travel documents of departing passengers.

QUESTION: Should the number of undocumented aliens decrease to a more manageable level, will that reduce the need for more contract detention space in New York?

ANSWER: No, it will not reduce the need for more contract detention space in New York. The availability of detention space in the New York area has historically been limited. If the number of undocumented aliens decreases, the new facility could be used to house deportable administrative detainees and/or criminally involved aliens, instead of having to release them on bond or recognizance as is currently being done. However, such use would be subject to adequate resources being provided under appropriated funds.

The lack of available detention space in the New York area is a problem that affects not only the INS but the U.S. Marshals Service and the Bureau of Prisons as well.

QUESTION: You request an increase of \$5,627,000 to "allow safe operation at all INS Service Processing Centers". Why do you consider these Centers to be unsafe, and how will these additional positions improve safety?

ANSWER: The Service does not consider any of its facilities unsafe. The Service Processing Centers (SPC's) have been run at less than full capacity in order to maintain a safe and controllable environment given the staffing levels. The additional staff would allow more efficient use of SPC's, by allowing them to operate at full capacity.

With the increase in positions, the INS will also be able to reduce the need for the excessive amount of overtime used to run its SPC's, improve the morale of the overworked staff, reduce the likelihood of health problems to overburdened staff, and most importantly, improve the safety of the facilities and reduce the likelihood of incidents.

Safety would be improved by allowing managers to ensure all key posts are covered properly, sufficient supervisors are available, and staff is adequately rested and able to deal with a large detained population in a humane and appropriate manner. Adequate staffing is essential to properly supervise the activities of detainees, and reduce the likelihood of violent behavior erupting among detainees.

QUESTION: From 1990 to 1991, the number of aliens detained by INS decreased by 17 percent from 104,889 to 87,169. You are predicting 126,640 detentions in 1992, almost a 50

percent increase. What is the reason for these large fluctuations in the number of detentions?

ANSWER: The reduction in the number of individuals detained from 1990 to 1991 can be attributed directly to the limited resources available to the Detention and Deportation program in 1991. This reduction was projected in 1990 and delineated in the long-range detention plan. In addition, the average length of stay in detention was higher than expected due to the considerable increase in the length of detention of the Other-Than-Mexicans (OTMs), and the number of detention days was reduced less sharply, from 2,398,565 to 2,207,794, a comparison that more accurately represents resource requirements. This is mostly attributed to aliens taking advantage of all methods of relief to avoid deportation.

The projected increase for 1992 was based on the expected increase of funded bed space, and a reduction in the length of stay due to improvements in the Institutional Hearing Program and centralization of criminal aliens. However, because of the higher than expected length of stay through the first quarter and need to absorb certain uncontrollable expenses and law enforcement pay benefits, the increase in detentions will not be as dramatic as originally projected. With the additional detention space coming on-line this year, the Service expects an increase in detentions of about 10 to 15 percent, unless the length of stay in detention fails to decrease as anticipated.

QUESTION: What level of detentions have you experienced to date for 1992, and how does that compare to the same time last year?

ANSWER: Based on the first quarter workload statistics for 1992, initial admissions totaled 19,459. For the first quarter of 1991, they totaled 21,270. This represents an 8.5 percent decrease. However, the number of detention days has decreased only 3 percent, from 526,710 to 509,222. As additional bedspace comes on-line during this year, it is expected that the number of detainees will increase. The average length of stay in detention is expected to go down.

QUESTION: Based on your actual 1992 experience, do you still believe your 1993 detention estimates are accurate?

ANSWER: If the requested additional positions and funding increases are provided, the Service believes the 1993 detention estimates are realistic. If additional resources are not provided and the length of stay in detention remains the same or increases, the detention estimates would be lowered.

Airport Inspections

QUESTION: The INS, in conjunction with the airlines and the airports, has developed a staffing model to determine the number and distribution of airport Inspectors. Based on current passenger projections, what are the total number of

Inspectors called for by the model in 1992 and 1993, and how many Inspectors will be on board at the end of each year?

ANSWER: Although the model is still under development, initial estimates indicate that INS should add 248 new Inspectors this year. This increase will allow the Service both to implement the London, England preinspection operation and to continue progress in meeting the 45-minute processing goal at existing facilities. By the close of the year, the Service projects that 2,111 of the 2,173 authorized force will be on duty. The existing authorized force is projected to continue at the 2,173 level throughout 1993, but with additional hiring to achieve full staffing by year's end.

QUESTION: If you are below the model guidelines, would you please explain why?

ANSWER: The model, as currently configured, is being used to project near-term staffing based on traffic growth through the close of 1993. Currently, facilities are being staffed within the guidelines established by the existing model. INS will continue to use this tool to better respond to changes in international air travel.

CLAIMS

QUESTION: Please describe the need for the new Computer Linked Application Information System (CLAIMS), to include what benefits CLAIMS will provide over current systems?

ANSWER: The Computer Linked Application Information Management System (CLAIMS) supports the receipting, adjudication, and notification processes required to support the Adjudications and Naturalization process. CLAIMS supports the Direct Mail Program, the INS Forms Improvement Project, and is part of INS's overall Information Architecture project.

CLAIMS plays a major role in the success of the Direct Mail Program, which was instituted in 1986 to improve the processing of applications and petitions filed with the INS, through:

- . More effective control over adjudications workload.
- . Increasing the number of transactions processed.
- . Improving management control over operations.

Initially, CLAIMS is being implemented in the Service Centers in support of the Direct Mail Program and will be expanded to the District Offices to support adjudications activities at the District Offices. Under the Direct Mail Program, applications and petitions are mailed by the public to the Service Centers for initial processing. The remainder of the case processing is completed at the Service Center or assigned to a local INS office. These processing changes increased Service Center productivity by 17 percent

last year, with a 20 percent increase expected for 1992. Implementation of Phase I of this Program has been completed. Most of Phase II was completed by during the beginning of 1992. Implementation of Phase II is to be completed by the end of 1992.

CLAIMS is of major importance in the achievement of timely and accurate quality adjudications, a key emphasis of the Adjudications and Naturalization Program. The current CLAIMS implementation reflects the combination of several systems that support Adjudications and Naturalization Program processing requirements:

- The Fee and Application Receipt and Entry System (FARES), which provides fee receipting and accounting activities as well as limited case tracking functions, runs on the Justice Data Center mainframe in Dallas, Texas.
- The Receipt and Alien File Accountability and Control System II (RAFACS II), installed on a Local Area Network (LAN) in the Service Centers, supports the goals of Direct Mail Phases I and II.
- The Telephonic Inquiry Enhancement to CLAIMS (TIERS) extracts the latest case status information from the CLAIMS database, making case status information available for electronic telephonic inquiries by the public.
- Other systems that support various aspects of adjudication and naturalization that are being integrated into the CLAIMS system are the Marriage Fraud Amendment System (MFAS), the Employment Authorization Document System (EADS), the Naturalization Casework System (NACS), Legalization Adjustment Processing System (LAPS), and the Refugee Asylum and Parole System (RAPS).

CLAIMS has already transformed processing at the Eastern Service Center. Data entry time has decreased from over five minutes per case to under three minutes per case using the LAN system, while at the same time tasks have been added to enhance case tracking and reduce adjudication processing time.

The public impact has been significant. Not only can Adjudicators respond more rapidly to applications and petitions filed, but the system provides the capability for the public to determine their case status by telephone 24 hours per day. The information available to the public is more complete and also more current with CLAIMS.

CLAIMS has proven to be considerably flexible and easy to use for fee receipting, data entry, case adjudication, and status inquiry. The current configuration of CLAIMS has allowed INS to respond to all changes required by the immigration law much more quickly and efficiently than to past legislation.

With CLAIMS, the Service Centers have been able to increase productivity, resulting in increased satisfaction of the users. For example, in one situation data entry time was reduced 40 percent and cases processed on the LAN were increased 500 percent over that of the mainframe. These benefits have greatly improved processing of applications and petitions and are allowing better response to our customers.

Adjudicators' investigation processes are greatly simplified by means of a hot link access to mainframe applications for queries to other databases. Incorporation of new technology such as bar code readers (wands) can increase user accuracy to 100 percent while reducing processing time 50 percent.

Current installation of LANs and upgrading of the communications capabilities that support CLAIMS will also prepare the technical foundation for the future expanded CLAIMS, a component of the INS Information Systems Architecture. The CLAIMS team will continue to review technology for data capture and processing to ensure that system remains an effective tool for the Adjudications and Naturalization program. Initiatives such as the database standardization study will ensure long-term compatibility with other INS applications.

Analysis and development of imaging and image upload capabilities are planned to provide long-term improvements in data capture operations. The continued development of remote network access and administration will ensure reliability and ease of maintenance. Continued analysis of emerging networking and network support products will keep CLAIMS functional throughout its life-cycle.

QUESTION: What is the total estimated cost to develop and procure CLAIMS, broken out by year?

ANSWER: Each major Departmental component, including the Immigration and Naturalization Service, is required to prepare a formal Information Resources Management (IRM) Tactical Plan on an annual basis. INS's current plan, approved in June 1991, estimates the cost to design, develop and implement CLAIMS to be \$30.6 million over five years.

| <u>Year</u> | <u>Cost</u> |
|-------------|----------------|
| 1991 | \$ 5.3 million |
| 1992 | \$11.3 million |
| 1993 | \$ 5.6 million |
| 1994 | \$ 4.3 million |
| 1995 | \$ 4.1 million |

Currently, this plan is being updated to reflect adjustments to the original implementation schedule and to reflect actual expenses of \$1.7 million for 1991 and planned 1992 expenses of \$4.6 million.

QUESTION: What role is the Department's Information Resource Manager playing in the procurement of CLAIMS?

ANSWER: The Department has a structured Information Resources Management (IRM) program that includes detailed policy and oversight functions at the Departmental level. Activities associated with systems development and subsequent acquisitions are a shared responsibility of the Department and the components whose information processing requirements provide the justification for the creation of a new system, or continued operation of, or enhancement to, an existing system.

As stated above, each major Departmental component, including the Immigration and Naturalization Service, is required to prepare a formal IRM Tactical Plan on an annual basis. The IRM Tactical Plan is composed of individual project plans, e.g., CLAIMS. Each plan delineates the system's milestones, i.e., formal systems development activities. These plans are reviewed by the Department for consistency with law, regulation, and policy, and for technical sufficiency.

QUESTIONS SUBMITTED BY CONGRESSMAN CARR

Immigration and Naturalization Service

O and P Visas

QUESTION: At the end of September 1991, a law was enacted to delay the effective date of the new O and P visa categories from October 1st until April 1, 1992. Why did INS publish a new fee schedule on October 4, 1991, when the effective date had been delayed until April 1, 1992?

ANSWER: The O and P fee changes were published with all general temporary work category fee schedule revisions pursuant to the Immigration Act of 1990.

QUESTION: Has INS prepared any cost studies to justify the dramatic fee increases for O and P visas? If so, have those studies been submitted to this Subcommittee? If not, please provide this to the Subcommittee. And if there are none available, how do you justify the fee increases?

ANSWER: The INS did not consider the adjustments in these fees to be substantial; therefore, no new cost study was prepared. The fee increases are justified for a number of reasons. The amendments to the fee schedule are largely a result of the consolidation of a number of forms and processes into a single form. Changes in the level of review and data required of individual foreign workers included in group petitions were mandated by the Immigration Act of 1990. As a result, charges for each worker in a group were added to the charge for a base petition to cover the cost of additional biographic data entry and records maintenance.

QUESTION: Did INS consult with any representatives in the arts, labor or entertainment industry during the process of determining the new fee schedule? Are you aware that there may be a limit on the ability of American artists to perform overseas as a result of this fee?

ANSWER: All new and revised immigration forms that resulted from the Immigration Act of 1990 were published in the Federal Register and were open for public comment. As with changes for all INS applications, the I-129 Non-Immigrant Worker form was published in the Federal Register. Consequently, the arts, labor and entertainment industries had a 30 day period on which to comment on the fees and regulations regarding O and P visas. These comments were incorporated in the final regulations for the new fee schedule.

QUESTION: Has INS consulted with the State Department or the Office of the U. S. Trade Representative regarding these fees for nonimmigrant worker visas generally?

ANSWER: The INS did not consult with the Department of State or the Office of the United States Trade Representative.

QUESTION: Are you aware that the impact of the fee increases will be borne disproportionately by presenters of groups? What consideration has INS given to the impact of the fee increases on these presenters, many of whom are not-for-profit organizations that play a vital role in maintaining our nation's cultural life?

ANSWER: The fee increase which accompanied the Service's recent forms revisions does, in fact, impact groups more than individuals but the previous fee structure did not address adequately the higher cost of admitting and screening individuals within groups. The INS incurs significantly higher data entry and maintenance costs with applications involving multiple applicants and passes these costs along to the user. There is no available data to indicate how many not-for-profit organizations are affected. The only other option would be to spread the processing costs for group applications among other users of adjudicative services. Such an action would be contrary to the basic fee-for-service concept under which the Immigration Examinations Fee Account was established.

QUESTION: I understand that you may review the O and P visa fees. Is this true?

ANSWER: All Examination fees will be reviewed during this fiscal year.

Inspections

QUESTION: I understand that there has been a considerable increase in passengers destroying passports and other travel documents in order to resist exclusion from the United States and to conceal travel identity. Aside from seriously

burdening airlines with the assessment of additional fines, what has the INS done to alleviate this problem?

ANSWER: The INS is providing training to airlines in the detection of fraudulent documents at various sites overseas. For example, the Service just completed a joint training project with other members of the International Air Transport Association-Control Working Group (IATA-CWG) at Singapore and Malaysia. The INS's National Fines Office has conducted a number of seminars on fines for carriers to help the airlines avoid situations that result in fines. In addition to the ongoing training that is provided by the Service's overseas officers, the agency also has plans to provide "carrier consultants" at overseas sites in the near future.

QUESTION: One of the airlines serving my state has felt forced by the INS fine policy to photocopy, and to even hold, some travel documentation. In fact, I am told that this airline's efforts to detect fraudulent documents have, in some cases, resulted in physical threats against its employees. I am advised that the airlines have repeatedly requested help in the form of INS "advisors" at key airports in the Pacific. What has INS done to provide such assistance and to take some of the burden off of the carriers?

ANSWER: INS plans to conduct a 60-day test period of assignment of Immigration Officers at selected overseas locations. The officers' duties will, be to among other things, act as consultants, advisors and training resources to members of the passenger carrier industry. Specifically, duties will include:

- (1) providing training on fraudulent and counterfeit documentation, liquidated damages and fines issues;
- (2) examining travel and related documents in order to detect fraudulent and counterfeit documentation presented to airlines agents prior to boarding a flight destined to the United States;
- (3) advising carriers, upon request, of the possible risks involved in boarding certain profiled passengers; and,
- (4) providing the foundation for a direct, responsive link between the industry and the various enforcement activities of the INS.

Results of the test will determine whether the assignment of personnel could be made on a permanent basis if funds and positions become available.

QUESTION: With regard to the issue of fines, I understand that the airline industry filed a petition for rule-making with the INS last April seeking a cooperative program which would waive or mitigate fines for carriers that take certain precautions to prevent the boarding of undocumented or inadequately documented passengers. What action has the INS taken with respect to this petition?

ANSWER: The INS is reviewing the petition and has taken no position on its merits.

QUESTION: It is my understanding that in 1986, the airlines agreed to support INS efforts for a \$5 inspection fee with the understanding that the proceeds of the fee would be used in part to support all alien detention. With this in mind, why has the INS reversed itself by causing the airlines to bear the burden of detaining certain classes of aliens -- specifically, those who have destroyed their documents and those who are in transit without visa (TWOV)?

ANSWER: The INS has been using the user fee account for detention. However, under the agreement between the INS and the carrier for transit without visa passengers, the carrier remains responsible for the custody of the passenger in immediate and continuous transit (without visa) through the United States. Therefore, if a passenger who was boarded by a carrier as a transit without visa passenger destroys his documents en route to the United States, the carrier remains responsible for the custody of that passenger until departure.

QUESTION: Last year, a 45-minute clearance standard was set for the INS. What efforts have been made by the INS to meet that standard and to work with both the airport authorities and the airlines to ensure agreement on that measurement?

ANSWER: The Service continues to work closely with the airport authorities and the airlines to measure the achievement of the 45-minute standard. Major airports report daily to the INS Headquarters so that compliance with the 45-minute standard can be closely monitored. The few reported recent delays have been due to heavy peaking of arriving flights and severe facility constraints. Measures taken to meet our 45-minute goal include the expansion of the Advanced Passenger Information (API) and the special "Blue Lane" processing. Most importantly, the INS is actively recruiting to fill all its current inspector vacancies. Processes which previously had caused excessive delays in hiring are being removed or changed to further facilitate the hiring process.

QUESTION: Several carriers are involved in a test to provide both Customs and INS with advanced passenger information (API). What incentive is INS offering to encourage greater API participation?

ANSWER: The INS encourages carrier participation in API by continuing to offer expedited inspection processing through special dedicated booths referred to as "Blue Lanes" for those who are API passengers. Under API, airlines provide INS with a flight manifest prior to arrival in the United States. This allows INS to perform a computer query on passengers before the flight arrives, thus expediting passenger inspection by eliminating the need to perform a computer query when the passenger arrives at the U.S. port-of-entry.

QUESTION SUBMITTED BY REPRESENTATIVE PELOSI

Immigration and Naturalization ServiceRecent INS Fee Increases

QUESTION: Several San Francisco groups have contacted me asking that this Subcommittee delay approval of the Department of Justice "reprogramming" request, dated February 19, 1992, on behalf of the INS. They ask for the delay pending further investigation of the recent INS fee increases for nonimmigrant visas and related applications, particularly the O and P categories.

I am informed that the new fee schedule would as a practical matter raise the fees for nonimmigrant visas and an extension of stay for a 200-person group (a good-sized orchestra or dance troupe) from \$150 to \$12,140.

Apparently, the relation of the reprogramming request to the increased nonimmigrant fees is this: unless INS intends to downgrade its nonimmigrant visa processing capacity from current uneven service levels, it will be under great pressure to make up the difference from fee accounts.

Why was there no cost study to support these new fees?

ANSWER: The fees for the new form I-129 were developed through a careful, logical process. There were several reasons for the recent revision of fees on the new form I-129 for employers to use. First, the revision stems from the merger of several processes that were previously handled on separate forms, each of which had their own fee. Second, changes in the level of review of individual foreign workers included in group petitions, which were mandated by the Immigration Act of 1990, increased costs. Finally, to meet employer requests, the INS agreed to change its process so the original Form I-94, Nonimmigrant Arrival Departure Document, does not have to be filed with the extension request. However, this increased INS data entry and notice generation costs.

QUESTION: Since INS may set nonimmigrant visa fees only at levels that will ensure recovery of its full costs for providing adjudication and naturalization services, what was the basis for these increases that are reportedly 10- to 100-fold?

ANSWER: The reports of 10- to 100-fold increases in fees are greatly exaggerated. The amendments to the fee schedule are largely a result of the consolidation onto a single form of a number of forms and processes, which were previously considered separately. In some cases there would, in fact, be an increase in the total amount of money collected, but not of the magnitude suggested by the question.

The example being circulated involves an orchestra of 200 persons. Under the old schedule, the base petition cost was

\$80. The base cost will drop to \$70, but a \$10 charge for each worker has been added to cover the cost of additional biographic data entry and record maintenance. This "front end" cost may be at least partially offset by a reduction in the cost for an extension of stay. Previously an extension of stay cost \$80 for the base petition and \$70 per worker. This cost is reduced to \$50 per worker plus a base petition fee of \$70. The following table illustrates the changes in charges as applied to a 200 person orchestra.

| | Former Schedule | Revised Schedule |
|---|--------------------|---------------------|
| Initial Application: | | |
| base petition | \$80 | \$70 |
| + cost/person | --- | 10 |
| Total Initial Application for 200 person orchestra | 80 | 2,070 |
| Extension of Stay: | | |
| base petition | \$80 | \$70 |
| + cost/person | 70 | 50 |
| Total Extension of Stay for 200 person orchestra | 14,080 | 10,070 |
| Total Cost for 200 person orchestra extending stay | 14,160 | 12,140 |

There have been statements from the entertainment industry that some INS offices in the past accepted a single fee for an entire group extension. If this occurred, it was in clear violation of existing regulations. The cost of data entry and file maintenance for a 200 person orchestra far exceeds \$70. A practice of allowing a single fee for a group application would cost the agency a considerable amount of lost revenues which would have to be made up through other fees.

In meetings with the representatives of the entertainment industry, INS has agreed to clarify certain procedures to minimize the need for large entertainment groups to have to file for extensions of stay. The proposed changes will eliminate the paperwork burden and fee represented by the extension process in many instances, and will also eliminate associated processing costs for INS.

QUESTION: I understand that the reprogramming request suggests that in an election year the Department of Justice intends to divert appropriated INS funds from providing immigration and naturalization services to other, politically popular enforcement activities.

How do you justify such an action when the General Accounting Office advised Congress, and the U.S. Attorney General specifically informed INS in a FY 1989 budget revision attempt, that such programming is contrary to congressional intent?

ANSWER: The Immigration Examinations Fee Account was established to offset the costs incurred to provide adjudications and naturalization services as required under the Immigration and Nationality Act. The costs transferred to this account in the recent reprogramming are the result of an initial review of INS operations that indicated that INS has not been fully charging associated support costs to this account. Those transfers are described below. In addition to the cost reassessment, the reprogramming provided many service enhancements including additional Asylum Officers and adjudicators, increased access to information officers, and systems and technology improvements.

- Inspections - Resources for 141 land border Immigration Inspectors have been transferred from the appropriated account to cover the cost of Inspector time devoted to adjudication of applications during traffic "downtime". In addition, Inspectors conduct a sizable amount of "walk-up" adjudicative work.
- Investigations - 100 positions and related funding have been added to the Immigration Examinations Fee Account to provide resources to investigate marriage fraud cases, cases including use of fraudulent documents and other adjudications related investigations.
- Training - Additional resources have been requested to cover costs to train approximately 300 new Immigration Examiners during this fiscal year.
- Information and Records Management - The majority of work conducted by this function supports the Adjudications and Naturalization program.

Temporary Protected Status for Salvadorans

QUESTION: What is the status of the Temporary Protected Status Program for Salvadorans? (It is currently due to expire June 30, 1992) Is it going to be extended? When are you going to decide? What are you going to do to let the Salvadoran community know?

ANSWER: The Service is continuing to re-register persons for the third 6-month period of Temporary Protected Status (TPS) for Salvadorans. (During the first 6-month period, a total of 187,120 Salvadorans registered. During the second 6-month period 98,577 re-registered.)

The Attorney General is consulting with the Secretary of State and other agencies as to whether he should designate El Salvador under the provisions of Section 244A of the Immigration Act of 1990 to provide a further period of TPS for nationals of that country. This consultation and assessment of the circumstances in El Salvador will be completed in the next two months, at which time a decision will be made. The decision will be publicized in the media and through voluntary agencies who have regular contact with the Salvadoran community.

Anti-counterfeit Cards

QUESTION: The INS wants to require aliens to obtain new "anti-counterfeit" cards. I am told any trained Immigration officer can easily spot phony alien cards, whereas the typical employer cannot tell a phony card. How do you justify spending so much and assigning so many personnel to this project?

ANSWER: Many well trained Immigration Officers are very adept at identifying illegal identification documents, but advances in the technology of producing counterfeit cards makes this identification more and more difficult. The request for funding to replace the Form I-151 permanent residency card, commonly known as the "green card," will result in the production of a card which is considerably more difficult to counterfeit than the versions of the Form I-151 which are currently in existence. The Service's experience is that there is no such thing as a "counterfeit proof" document, since any document can be reproduced if there is enough incentive to do so. The major objectives in initiating this replacement effort are to eliminate the 17 versions of the card that are currently in circulation, and to replace the very easily reproducible "green card" with a counterfeit-resistant card that will expire every 10 years. This effort will provide an opportunity for the Service to review an individual's status periodically, and to assure the proper document is held by the rightful owner of a card.

The current "green cards" are so easily reproduced by counterfeiters that the illicit cards can now be obtained for as little as \$25 per card. The 17 versions of the card which have been issued over the years represent multiple identification and employment documents as well. This subverts the concept of employer sanctions, where the INS has made a commitment to the reduction of the number of acceptable documents for alien identity and employment purposes. The proposed replacement card will appear entirely different than the 17 current versions, and will eventually replace all versions of the card. This effort will standardize the permanent residency card, provide the opportunity for a periodic review of all card holders, make it far easier to educate employers to identify fraudulent cards, and help to eliminate the difficulty some individuals have when attempting to get a job when the potential employer questions the validity of the card.

Employer Sanctions Cases

QUESTION: I understand in San Francisco that the INS is considering I-9 audits of small businesses, accountants, small restaurants, employers of nannies, and others. And the INS is fining employers for paperwork violations and hiring undocumented workers up to five years ago. It seems like a waste of resources to investigate and fine employers for technical or even substantive violations of employer sanctions rules which took place five years ago.

Would the INS oppose legislation placing a five year statute of limitations on employer sanctions cases?

ANSWER: Current law, as expressed in Section 274A of the Immigration Reform and Control Act, states that it is unlawful to knowingly hire and continue to employ aliens not authorized to work in the United States. INS's primary enforcement emphasis has been on securing voluntary compliance. We see no need for such a statute of limitations at this time.

QUESTION: Have you considered such a rule or limiting the length of time the INS will look for old sanctions?

ANSWER: Currently, the INS is not considering a rule limiting the length of time to review sanctions cases. Our current regulations (under Section 274A of the Immigration Reform and Control Act) restrict record-keeping requirements to a 3-year period after initial hire, or a 1-year period after termination of employment. Our enforcement emphasis is on current substantive violations and we have not, to date, considered such a regulatory restriction on our enforcement authority.

Detention of Asylum Seekers

QUESTION: I understand that in some areas of the country, the INS has a policy of detaining all excludable aliens who arrive in the United States without proper travel/entry documents. This no-bond policy is enforced without regard to the merits of the alien's political asylum claim. The effect of the policy is to hold political asylum applicants in jail for months preceding their asylum hearing before an immigration hearing.

Why can the Service not consider the strength of an asylum application in deciding whether to parole an applicant out of detention, pending adjudication of his claim?

ANSWER: The Service conducted a Pilot Parole Project from May 1990, through October 1991. The Pilot Parole Project tracked 200 excludable persons who sought asylum and who were paroled from custody in accordance with rigorous release criteria. The Project also focused on developing release criteria for Asylum Pre-Screening Officers (APSO) to use when conducting asylum pre-screening interviews.

The Parole Project addresses the problem of detaining persons without bond who have legitimate asylum claims, and who arrive in the United States without travel documents or with forged travel documents. The Parole Project also furthers the Service's priority to detain those persons who arrive without proper documentation, and who are barred from entry by statutory restrictions, and/or who pose a threat to public safety.

The Service has decided to re-implement the Parole Project and to expand the Project to include all Service detention

facilities, as well as the contract detention facilities and major ports-of-entry where Service personnel are available to conduct pre-screening interviews. By adopting the Parole Project, the Service will be able to detain those persons who are most likely to abscond, and/or who pose a threat to public safety while releasing those persons without bond who meet the threshold requirements of the release criteria. INS's objective is to explore ways to make timely denial decisions and bring about the removal of persons ineligible for asylum as a deterrent against frivolous filing and abuse.

QUESTION: Should not candidates for political asylum be afforded more hospitable treatment than detention with hard-core criminals while their claims are being adjudicated?

ANSWER: Asylum applicants placed into exclusion proceedings are not detained with criminal aliens. Separate facilities, such as the Wackenhut contract detention facility in New York, are funded separately and operated independently of Service Processing Centers (SPC's). When asylum seekers are detained at an SPC they are segregated from criminal aliens.

QUESTION: Does the INS recognize that its detention policy leads to severe violations of the religious and dietary practices of many of the refugees who are being held in detention?

ANSWER: The INS food service, at both Service operated and contractor run detention facilities, provides for special diets as prescribed by appropriate medical/dental personnel. In addition, when religious beliefs require adherence to dietary laws, special diets may also be prepared, and can often be accommodated through the variety foods normally offered. In both instances, care is taken to conform as closely as possible to the foods served to the other detainees.

QUESTION: In a time of strict budgetary constraints, is it a rational policy for the INS to spend approximately \$61 a day to detain refugees who are in the U.S. to apply for political asylum?

ANSWER: The Congress provided separate funding for the detention of excludable aliens, including asylum seekers, through user fees collected by the transportation lines from international travelers. Agency funds, appropriated through the budget process, are thus not spent to detain excludable alien asylum seekers and others placed in exclusion proceedings.

Family Unity

QUESTION: There is currently a significant waste of Justice Department resources (both the INS and the Executive Office for Immigration Review (EOIR)) in proceeding with deportation cases in which the respondent appears to be eligible for Family Unity benefits.

In order to give the INS time to adjudicate Family Unity applications, will the INS and the EOIR agree to administratively close pending deportation cases where the respondent appears to be eligible for Family Unity?

ANSWER: The INS will not proceed with deportation cases in which the respondent has filed an application under the Family Unity Program. However, to terminate pending proceedings merely based on potential eligibility would be wasteful since it would undo everything that has been processed to that point on the mere probability of eligibility.

Instead, the Service's position will be to recommend to the Court that proceedings be continued where a Family Unity application has been filed, until the application is complete.

QUESTION: The statute providing for the Family Unity Program went into effect on October 1, 1991, and yet the interim implementing regulations permitting adjudication were not published until February 25, 1992.

How quickly will Family Unity applications be adjudicated? Will the INS issue interim work authorization to Family Unity applications, given the previously mentioned delay in implementing the Family Unity Program?

ANSWER: Applications under the Family Unity Program are now being adjudicated. We anticipate completing pending applications in a relatively short time.

Employment authorization stems from the grant of voluntary departure under the Family Unity Program, not from the filing of an application for benefits. A person granted voluntary departure under the Family Unity Program need not apply for authorization under Section 274a.12(c) of the Act. However, the person must file for an employment authorization document on Form I-765. This documentary requirement is necessary as part of the Service's efforts to prohibit the unlawful employment of aliens.

There is no basis to grant employment authorization based on a pending application. The Service will instead concentrate on adjudicating applications under the Family Unity Program as quickly as possible.

QUESTIONS SUBMITTED BY CONGRESSMAN KOLBE

Immigration and Naturalization Service

Reprogramming

QUESTION: The INS reprogramming request calls for 300 more Border Patrol officers. Where will these officers be stationed?

ANSWER: The majority of these 300 Border Patrol officers will be posted to the San Diego, California Border Patrol Sector, since this location experiences the highest volume of illegal alien traffic. Border control requirements, sector productivity, emergent situations and agent attrition rates will all be utilized to determine placement of the remaining officers in the El Paso, Texas; McAllen, Texas; Laredo, Texas; and Tucson, Arizona Sectors.

QUESTION: The INS reprogramming request calls for 248 additional airport inspectors. Where will these officers be stationed?

ANSWER: The Immigration User Fee Account funds Inspector positions at both air and sea ports-of-entry. Of the 248 positions, from 50 to 124 will be used to staff preinspection operations in London at the Gatwick and Heathrow Airports. The remaining positions will be used at other ports-of-entry. Many of these are lower-volume locations that did not receive new positions in FY 1991. However, these ports-of-entry have arriving commercial flights with user fee paying passengers who are entitled to inspectional services under the statute, or a volume of ship arrivals that require additional staff for efficient utilization of manpower and efficient management of overtime funds. In either event, service staffing analyses allocate new positions based on net need, expressed as a function of the difference between the total staff needed and the present allocated staff. The 1992 distribution to the port level is currently being made final.

QUESTION: The reprogramming states that "Any of the 124 positions not approved for London preinspection will be used to augment staffing at U.S. ports-of-entry based on the Inspections staffing model." Which port-of-entry would receive additional Inspectors if 124 Inspectors are not used in London?

ANSWER: In the event that some portion of the 124 positions is not approved by the Department of State, the unallocated positions would be distributed to other ports-of-entry, based on an analysis of relative needs.

The INS is working to obtain the required approval from the Department of State and the United Kingdom to implement this very important passenger facilitation operation and to hire all 124 of the allocated positions as soon as the requisite approvals are obtained. Announcing a contingent distribution of these positions now would be speculative.

QUESTION: The INS reprogramming calls for 200 additional criminal investigators, including 150 targeted at gang activity. Where will these officers be stationed?

ANSWER: The 150 special agents will be reassigned to alien gang task forces and will work to locate and arrest deportable aliens involved in drug trafficking and violent crimes.

The INS has developed an implementation strategy for recruiting, hiring and training 200 new officers to backfill the 150 agents reassigned to criminal alien and task force duties, and to provide an additional 50 positions to be assigned to enhance enforcement of the employer sanctions statutes. The Service anticipates beginning to fill these new officer positions by July 15, 1992.

QUESTION: The costs associated with the INS reprogramming, with the exception of \$9.3 million from the 1992 Salaries and Expenses appropriation, will come from the fee accounts. Do you anticipate any changes in the fee structures to accommodate this reprogramming both in 1992 and future years?

ANSWER: Based on current international airline traffic projections, receipts in the Immigration User Fee Account are anticipated to be adequate to accommodate the costs of the reprogramming in 1992 and 1993 without an increase in the \$5.00 per passenger inspection fee.

It is anticipated that the fees charged by the Service for the processing of applications and petitions for immigration benefits will be raised by about 8 percent in 1993 as noted in the reprogramming documentation submitted to the Congress in February. A fee increase of 7 percent would have been necessary in 1993 in any case to meet program cost increases due to general inflation and pay raise requirements.

QUESTION: I have been contacted by several groups that are concerned about INS fee increases for O and P visas. For example, I have been told that the proposed fee increases, as a practical matter, would increase the cost for nonimmigrant visas and an extension of stay for 200-person group from \$150 to \$12,140. Could you please explain these increases?

ANSWER: The reports of 10 to 100 fold increases in fees have been greatly exaggerated. The amendments to the fee schedule are largely a result of the consolidation into a single form of a number of forms and processes which were previously considered separately. In some cases there would, in fact, be an increase in the total amount of money collected, but not of the magnitude suggested by the question.

The example being circulated involves an orchestra of 200 persons. Under the old schedule, the base petition cost was \$80. The base cost will drop to \$70, but a \$10 charge for each person has been added to cover the cost of additional biographic data entry and record maintenance. This "front-end" cost may be at least partially offset by a reduction in the cost for an extension of stay. Previously an extension of stay cost \$70 per person. This cost is reduced to \$50 per person plus a base petition fee of \$70.

There have been statements from the entertainment industry that some INS offices in the past accepted a single fee for an entire group extension. If this occurred, it was in clear violation of existing regulations. The cost of data entry

and file maintenance for a 200-person orchestra far exceeds \$70. A practice of allowing a single fee for group applications would cost the Service a considerable amount of lost revenues which would have to be made up through other fees.

In meetings with the representatives of the entertainment industry, INS has agreed to clarify certain procedures to minimize the need for large entertainment groups to have to file for extensions of stay. The proposed changes will eliminate the paperwork burden and fee represented by the extension process in many instances, and will also eliminate associated processing costs for the INS.

QUESTION: The reprogramming request indicated that a recent review concluded that INS has not been properly charging the Immigration User Fee Account and the Immigration Examinations Fee Account. Could you provide an explanation of the review?

ANSWER: The INS Office of Finance and the Justice Management Division jointly examined the programs which provided services and support to the Immigration User Fee Account and the Immigration Examinations Fee Account. This initial review revealed that a number of supporting programs were not charging the full cost of the activities found to be directly related to the accounts. The reprogramming contains an initial reassessment of support service costs, thereby allowing appropriated resources to be allocated to important enforcement activities within the Border Patrol and Investigations programs. INS is currently conducting a comprehensive review to determine if any other costs should be paid for by the Fee accounts.

QUESTION: The INS reprogramming request also contains a request for 141 inspector positions to be funded from the Immigration Examinations Fee Account. The reprogramming states, "Based on the projected adjudications workload for 1992 and 1993 to be handled at ports-of-entry by inspectors, it is proposed that the Land Border Inspections Program be reimbursed from the Immigration Examinations Fee Account for their work." Could you explain this reprogramming? What types of positions will these be? Where will they be deployed?

ANSWER: The Inspections program is responsible for inspecting all applicants for admission into the United States. When traffic is low and the inspections personnel have a period referred to as "downtime," the Immigration Inspectors perform adjudication of applications for benefits that are forwarded from INS District Offices and Service Centers, such as border crossing cards, extensions of stays, and adjustments of immigration status. Since these positions perform a service in the adjudication of benefits, the costs related to this work should be reimbursed to the Land Border Inspections program.

The positions in question are Immigration Inspectors. The positions are located at land border ports-of-entry. There will be no redeployment of the Inspectors. They will remain

at the ports-of-entry and will continue to perform immigration inspection duties, as well as adjudicate applications for certain immigration benefits.

Inspections

QUESTION: The INS reprogramming contains a request for funds for 248 inspectors (62 workyears) at airports from the Immigration User Fee Account. The 1993 budget request also contains funding from the Immigration User Fee Account to fund another 248 inspectors (124 workyears) at airports. Does this mean that INS is actually seeking 496 airport inspectors, or is the reprogramming compatible with the 1993 request?

ANSWER: The reprogramming adds 248 inspectors at airports in 1992. These are the same positions contained in the 1993 budget request. The reprogramming will allow these inspectors to be hired earlier to handle an increasing workload and to improve efforts towards achieving the 45-minute inspection standard.

QUESTION: The INS is supposed to meet a 45-minute Federal inspection standard at airports. On the average, what is the current inspection time? At which U.S. airports are the waiting times the longest?

ANSWER: On the average, the INS inspects flights at all airports within the 45-minute standard. Of the seven major international airports which the Service has been monitoring, it is seldom that more than one flight a week does not meet the 45-minute processing time standard.

The Honolulu International Airport is the exception, where processing delays are attributed to facility constraints, flight "peaking", and extraordinarily high nonimmigrant passenger counts. Although rare, Honolulu has reported processing time as long as 1 1/2 to 2 hours. However, processing times at Honolulu usually do not exceed 1 hour and normally meet the 45-minute standard.

QUESTION: In its report on border infrastructure that was released in November 1991, the General Accounting Office (GAO) outlines in detail the need for inspectors at the Southwest Border. GAO claims to use the INS staffing model to reach its conclusions. Are the numbers used by the GAO the same numbers that are used by the INS to determine staffing requirements at the Southwest Border? If not, could the INS provide specific staffing requirements for each of its Southwest Border crossings in the San Diego, Phoenix, Harlingen, San Antonio and El Paso Districts?

ANSWER: The GAO was not provided the actual INS staffing model, since the model is still under development. The INS has contracted with an operations research firm to develop a sophisticated and statistically valid staffing model. This effort is nearing completion. The Service hopes to

provide more reliable projections of additional staffing required by the end of this fiscal year.

Figures provided to the GAO were taken from the version of the INS staff-developed model which was available at the time the GAO was conducting its field work. These values included average time required for primary and secondary inspection, annual workload at each port-of-entry, and the current permanent full-time staff at each port-of-entry at the time of field work. The GAO used these figures to extrapolate the results referenced in their report. Until the contractor study is complete, it would be premature to assess the additional staffing needs.

QUESTION: Has the INS studied the manpower requirements that will be needed at the Southwest Border under the proposed North American Free Trade Agreement?

ANSWER: The Service has studied border staffing requirements but not to the extent of including hypothetical projections of future workload in the internal staffing model. The GAO in its report used a linear extrapolation of current workload and additional staff required at Southwest Border ports-of-entry using several percentage-based workload increase scenarios. The INS agrees with the GAO that additional staff will be required in the event of enactment of the North American Free Trade Agreement.

QUESTION: Congress approved 135 inspectors for the Southwest Border in the 1992 Commerce, Justice, State and the Judiciary Appropriations Act. Have these positions been hired? Where have they been deployed?

ANSWER: Although the new positions for 1992 were not approved for a specific geographical area, most of these positions were allocated to ports-of-entry along the U.S.-Mexico border. The new positions were allocated to the border ports on January 1st. As of mid-March, 26 of the new officers had entered on-duty. The Service projects that the remainder will enter on duty by May 1, 1992.

The new positions were assigned, by District, as indicated:

| <u>Location</u> | <u>Positions</u> | <u>Location</u> | <u>Positions</u> |
|-----------------|------------------|-----------------|------------------|
| Buffalo, NY | 2 | Harlingen, TX | 11 |
| Portland, ME | 11 | San Antonio, TX | 10 |
| Detroit, MI | 5 | Phoenix, AZ | 17 |
| Seattle, WA | 17 | San Diego, CA | <u>48</u> |
| St Paul, MN | 3 | | |
| El Paso, TX | 11 | TOTAL | 135 |

QUESTION: How many full-time INS inspectors are currently deployed at Southwest Border crossings in the San Diego, Phoenix, Harlingen, San Antonio and El Paso Districts?

ANSWER: As of February 28, 1992, INS personnel records reflected that the distribution of on-duty permanent full-

time Immigration Inspectors along the Southwest Border was as follows:

| <u>District/ Port-of-Entry</u> | <u>Supervisory</u> | <u>Non-supervisory</u> | <u>Total</u> |
|------------------------------------|--------------------|------------------------|--------------|
| San Diego | | | |
| San Ysidro, Otay Mesa | 21 | 100 | 121 |
| Tecate | 0 | 3 | 3 |
| Calexico | 11 | 36 | 47 |
| Andrade | <u>1</u> | <u>3</u> | <u>4</u> |
| Subtotal | 33 | 142 | 175 |
| Phoenix | | | |
| Douglas | 2 | 6 | 8 |
| Naco | 1 | 3 | 4 |
| Nogales | 7 | 18 | 25 |
| San Luis | 4 | 8 | 12 |
| Sasabe | 0 | 3 | 3 |
| Lukeville | <u>1</u> | <u>1</u> | <u>2</u> |
| Subtotal | 15 | 39 | 54 |
| Harlingen | | | |
| Brownsville | 8 | 28 | 36 |
| Hidalgo | 5 | 26 | 31 |
| Progreso | 2 | 10 | 12 |
| Roma | 4 | 12 | 16 |
| Los Ebanos | <u>0</u> | <u>1</u> | <u>1</u> |
| Subtotal | 19 | 77 | 96 |
| San Antonio | | | |
| Del Rio | 4 | 16 | 20 |
| Eagle Pass | 3 | 16 | 19 |
| Laredo | <u>13</u> | <u>49</u> | <u>62</u> |
| Subtotal | 20 | 81 | 101 |
| El Paso | | | |
| Presidio | 1 | 7 | 8 |
| El Paso | 13 | 73 | 86 |
| Columbus | 1 | 5 | 6 |
| Fabens | 1 | 5 | 6 |
| Fort Hancock | <u>0</u> | <u>2</u> | <u>2</u> |
| Subtotal | <u>16</u> | <u>92</u> | <u>108</u> |
| TOTAL | 103 | 431 | 534 |

QUESTION: How many permanent part-time, temporary full-time and NTSS inspectors are currently deployed in the San Diego, Phoenix, Harlingen, San Antonio and El Paso Districts?

ANSWER: The staffing, as of February 28, 1992, for Ports-of-Entry in the San Diego, Phoenix, Harlingen, San Antonio and El Paso Districts is listed below.

| District/ Port-of-Entry | Permanent Part-Time | Temporary Full-Time | NTSS | Total |
|----------------------------|------------------------|------------------------|----------|------------|
| SAN DIEGO | | | | |
| San Diego | 1 | 19 | 0 | 20 |
| Calexico | 0 | 15 | 0 | 15 |
| Tecate | 0 | 0 | 0 | 0 |
| Andrade | 0 | 0 | 0 | 0 |
| Subtotal | 1 | 34 | 0 | 35 |
| PHOENIX | | | | |
| Douglas | 2 | 4 | 0 | 6 |
| Naco | 1 | 1 | 0 | 2 |
| Nogales | 1 | 6 | 0 | 7 |
| Sasabe | 0 | 0 | 0 | 0 |
| San Luis | 3 | 6 | 0 | 9 |
| Lukeville | 0 | 0 | 0 | 0 |
| Subtotal | 7 | 17 | 0 | 24 |
| HARLINGEN | | | | |
| Brownsville | 5 | 3 | 0 | 8 |
| Hidalgo | 0 | 8 | 0 | 8 |
| Los Ebanos | 0 | 0 | 0 | 0 |
| Progreso | 0 | 3 | 0 | 3 |
| Roma | 0 | 4 | 0 | 4 |
| Subtotal | 5 | 18 | 0 | 23 |
| SAN ANTONIO | | | | |
| Del Rio | 0 | 3 | 0 | 3 |
| Eagle Pass | 0 | 0 | 0 | 0 |
| Laredo | 0 | 6 | 0 | 6 |
| Subtotal | 0 | 9 | 0 | 9 |
| EL PASO | | | | |
| Columbus | 0 | 0 | 0 | 0 |
| El Paso | 1 | 12 | 0 | 13 |
| Fabens | 0 | 0 | 0 | 0 |
| Fort Hancock | 0 | 0 | 0 | 0 |
| Presidio | 2 | 0 | 0 | 2 |
| Subtotal | 3 | 12 | 0 | 15 |
| TOTAL | 16 | 90 | 0 | 106 |

QUESTION: The GAO report contained one section on the difficult time that INS and the Customs Service are having retaining qualified personnel. How does the INS view this issue and what recommendations would it propose?

ANSWER: The INS Inspections program has experienced difficulties in retaining qualified personnel. By examining the nature of the job of the Immigration Inspector, the conditions under which Inspectors work, and by eliciting the reasons for leaving during exit interviews. The main contributing elements to the retention problem have been identified as (1) low salaries (especially during the trainee period); (2) the hazardous conditions of the work not being recognized with adequate compensation; and, (3) the journeyman grade of GS-9.

THURSDAY, MARCH 5, 1992.

UNITED STATES MARSHALS SERVICE

WITNESSES

HENRY E. HUDSON, ACTING DIRECTOR

JOHN J. TWOMEY, DEPUTY DIRECTOR FOR ADMINISTRATION

JAMES B. ROCHE, DEPUTY DIRECTOR FOR OPERATIONS

ROBERT J. HAYES, ACTING CHIEF FINANCIAL OFFICER

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. EARLY. We will now hear the testimony concerning the United States Marshals Service and the Support of the United States Prisoners appropriations. For fiscal year 1993, the Marshals Service requests an appropriation of \$341,471,000 for salaries and expenses and \$268,481,000 for Support of U.S. Prisoners.

We will insert in the record at this point the fiscal year 1993 budget justifications for each request.

[The justifications follow:]

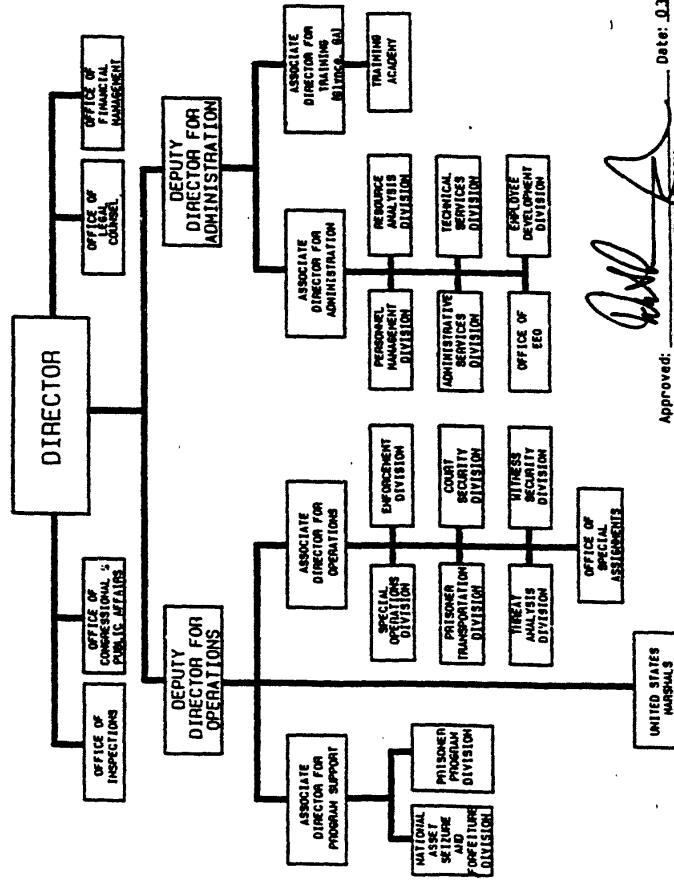
Department of Justice
United States Marshals Service
Estimates for Fiscal Year 1992

Table of Contents

Page Numbers

| | |
|--|----|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language..... | 6 |
| Crosswalk of 1992 Changes..... | 7 |
| Summary of Requirements..... | 8 |
| Summary of Resources by Program..... | 9 |
| Justification of Program and Performance..... | 10 |
| Protection of the Judicial Process..... | 11 |
| National Prisoner Transportation..... | 23 |
| Fugitive Apprehension..... | 26 |
| Seized Asset Management..... | 29 |
| D.C. Superior Court..... | 32 |
| Service of Process..... | 35 |
| Field Support and Training..... | 36 |
| ADP and Telecommunications..... | 38 |
| Management and Administration..... | 42 |
| Financial Analysis - Program Changes..... | 49 |
| Priority Ranking..... | 50 |
| Detail of Permanent Positions by Category..... | 51 |
| Schedule of Motor Vehicles..... | 52 |
| Schedule of Aircraft..... | 53 |
| Summary of Changes..... | 54 |
| Justification of Adjustments to Base..... | 55 |
| Summary of Requirements by Grade and Object Class..... | 59 |

UNITED STATES MARSHALS SERVICE



Approved: _____ Date: 03-16-90

DICK THOMPSON
Attorney General

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

SUMMARY STATEMENT

FISCAL YEAR 1993

The United States Marshals Service is requesting, for 1993, a total of \$141,471,000, 3,799 permanent positions, and 3,738 workyears. This request represents an increase of \$27,624,000 113 permanent positions, and 81 workyears over the 1992 appropriation enacted and includes \$16,642,000, 138 permanent positions, and 36 workyears in additional resources and a savings generated by offsetting decreases of \$8,990,000, 25 permanent positions, and 25 workyears.

Shown for the first time in this submission is the revised display of resources referred to in the September 24, 1991, reprogramming notification. Approval was given to display In-District Transportation and Receipt-and-Processing resources in the Protection of Judicial Process program instead of in the Prisoner Transportation and Detention program beginning with the submission of the 1993 President's budget. In this connection, the Prisoner Transportation and Detention program is now shown as the National Prisoner Transportation program.

Protection of the Judicial Process

As the agency with the singular responsibility for ensuring the integrity of the Federal judicial system, the Marshals Service provides security at all places in which Federal judicial business is conducted and works to eliminate fear of intimidation, retaliation, or physical harm on the part of all judicial participants. Deputies also protect those witnesses, potential witnesses, and their dependents whose lives are in jeopardy because of actual or potential testimony against Federal criminals. In addition, the Service is responsible for the custody of all unsentenced Federal prisoners, and must assure that they are transported from jail to court and back. Marshals are responsible for obtaining appropriate jail space to house all prisoners in their custody.

The Judicial Security activity protects courthouses with Deputies whenever there is substantial opportunity for disruption in or around the court. Several factors, not the least of which is the nature of the offense, determine the level of security the Service provides, and it has become increasingly apparent that Federal drug offenses require higher levels of security than any other category of criminal offense. This fact coupled with the marked increase in the number of Federal prisoners in court resulting from substantial recent increases in the number of investigative agents and Federal judges presents the Marshals Service with a workload which justifies increased resources. For this activity a net increase of \$1,884,000, 6 Criminal Investigators, is

Deputies, 6 support positions and 7 workyears are requested, including \$384,000, 2 Deputies, 6 support positions and 2 workyears to conduct background investigations and re-investigations. An offsetting decrease of -\$5,612,000, -14 Deputies and -14 workyears is proposed as the result of the proposed closing of the Special Operations Group Training Center at Camp Beauregard, Louisiana, and by reducing construction availability by \$3,862,000.

Through the Witness Security activity, the Marshals Service protects those endangered witnesses and their families who have been approved for protective services by the Department of Justice, Criminal Division, Office of Enforcement Operations. This protection involves assisting the witnesses and their families in becoming self-sustaining through relocation under new identities. No increases are requested for this activity; the anticipated witness workload can be maintained at current levels without loss of effectiveness.

The Prisoner Security activity encompasses the Service's responsibilities connected with prisoners in Marshals' custody. Federal judicial reform and law enforcement initiatives over the past several years have served to dramatically increase the Marshals' average daily prisoner population from approximately 13,400 in July 1990 to over 17,200 in July 1991. Each prisoner must be produced an average of seven times for a variety of hearings, medical care and court proceedings. In view of the increasing prisoner population and the jail space shortfall, the need to move Federal prisoners continues to grow and has reached a crisis level in the Northeast region of the country. To meet these needs, increases of \$4,747,000, 38 Deputies, and 14 workyears are requested.

National Prisoner Transportation

Individuals arrested or detained for violation of Federal statutes are remanded to the custody of the Marshals Service. Federal prisoners are transported and moved within and between districts for observation and service of sentence. Long-distance prisoner moves are done via the National Prisoner Transportation System (NPTS), which includes large aircraft, and a supporting system of buses, vans, and small planes. This program has been called upon with increasing frequency to relieve conditions brought on by the jail space crisis in the Northeast and other cities. A modest increase of \$480,000, 2 support positions, and 1 workyear is requested for this program to meet aircraft security requirements identified in an audit of NPTS and to fund a Department of Transportation study of NPTS operations.

Fugitive Apprehension

As the "warrant squad" of the Federal Government, the Marshals Service has primary responsibility for the apprehension of fugitives from justice, i.e., escapees, bail jumpers, parole and probation violators, and others. Efforts to reduce the number of dangerous fugitive felons continue, with an emphasis on the apprehension and prosecution of the most serious offenders and those contributing to drug crimes. No increases are requested for this program; the anticipated workload can be maintained at current levels.

Seized Asset Management

This program exists to manage the assets and proceeds of criminals seized for possible forfeiture to the Government, and to dispose of the assets for the benefit of the United States. The Marshals Service ensures that court-ordered asset seizure and forfeiture initiatives are supported by effective management of property, information, and financial services. No increases are requested for this program. Effective program activity can be maintained at current resource levels.

D. C. Superior Court

The Office of the U.S. Marshal for the Superior Court in the District of Columbia mirrors all service-wide problems, yet, it serves a local entity with problems beyond the saturation point. To fulfill the Federal responsibilities to the local judiciary in these special circumstances, the Marshals Service request an increase of \$1,300,000, 18 deputies, and 4 workyears. These additional resources will allow the Marshals Service to respond more effectively to the needs of the Court, including the increase in detentions and court appearances that are anticipated.

Service of Process

Each year the Marshals Service executes hundreds of thousands of summonses, writs, mandates, and other process for the Federal courts, United States Attorneys, private litigants, Federal agencies, foreign governments, and others. Service of process includes summonses and complaints in civil actions, subpoenas in both civil and criminal actions, writs of habeas corpus, writs of execution, and enforcement of major injunctions. This program also provides law enforcement assistance in nuclear weapons movement through reimbursable agreements with the Joint Cruise Missile Project Office of the Department of Defense and the U.S. Air Force. By improving management efficiency and increasing use of mail, the Marshals Service will be able to reduce the program level by -\$1,300,000, -9 deputies, -2 support positions, and -11 workyears.

Field Support and Training

This program provides financial support and develops, conducts and oversees the training of Marshals Service personnel. Field Support responsibilities include prompt payment of debts and collections and deposit of funds due the Government by law or court order. A decrease of -\$1,000,000 is proposed, to be achieved through savings realized by an anticipated drop in the rate of attrition, resulting in a need to train fewer new Deputy Marshals.

ADP and Telecommunications

This program implements and maintains automated systems necessary to support the Marshals Service mission and permit field offices to perform effectively. The telecommunications systems provide rapid data/voice communication. Increases of \$6,188,000, 22 support positions and 4 workyears are requested to provide for the conversion to DOJ-required ADP systems and to achieve necessary security compliance. A one-time reduction of -\$1,976,000 in base funding for equipment is included as an offsetting savings.

Management and Administration

This program covers a wide range of activities including: legal guidance and representation, recruitment, space management, procurement, management studies, and financial management. Increases of \$992,000, 14 support positions and 4 workyears are requested to support EEO compliance, Financial Management and Financial Management Information Systems activities.

United States Marshals Service

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Marshals Service

For necessary expenses of the United States Marshals Service/ including acquisition, lease, maintenance, and operation of vehicles and aircraft; (\$13,847,000). Abolishing purchases of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; of which (not to exceed \$13,723,000 for the renovation and construction of Marshals Service prisoner holding facilities shall be available until expended/ and of which) not to exceed \$6,000 shall be available for official reception and representation expenses.

\$341,471,000

(18 U.S.C. 1963, 1053, 1059, 1192, 1521-1528, 4009; 19 U.S.C. 1613; 21 U.S.C. 881; 28 U.S.C. 510, 524, 561-562, 565, 567, 569-572, 1921; 48 U.S.C. 1424(b), 1614(c), 1694(b) (1); Department of Justice and Related Agencies Appropriations Act, 1992) additional authorizing legislation to be processed.

Explanation of Changes

The change removes the provision allowing the funds available to the Marshals Service for renovation and construction of holding cells to remain available until expended. In past years, the Marshals Service has experienced delays in obligating its renovation and construction funds during the fiscal year for which they were appropriated, and the stricken language was included to prevent a lapse of these funds. The Marshals Service request includes \$7,861,000 for renovation and construction of holding cells in 1993. The Service expects to obligate all of these funds by the end of the fiscal year, thus allowing the provision to be removed.

United States Marshals Service

Salaries and Expenses

Comparison of 1992 Changes

(Dollars in thousands)

| Activity/Program | 1992 President's Budget Request | | | Congressional Appropriation in Positions and Actions on 1992 Request | | | Adjustments in Positions and Per. Workyears | | | Reprogrammings | | | 1992 Appropriation | | | Anticipated | | |
|---|---------------------------------|-------|-----------|--|-------|------------|---|------|-------|----------------|----------|-------|--------------------|-----------|-----|-------------|----|-----|
| | Pos. | | | Pos. | | | Pos. | | | Pos. | | | Pos. | | | Pos. | | |
| | Pos. | WY | Am. | Pos. | WY | Am. | Pos. | WY | Am. | Pos. | WY | Am. | Pos. | WY | Am. | Pos. | WY | Am. |
| 1. Protection of the Judicial Process.... | 1,461 | 1,363 | \$134,343 | (132) | (67) | (\$21,353) | ... | (4) | 483 | 504 | \$28,131 | 1,812 | 1,796 | \$141,121 | | | | |
| 2. National Prisoner Transportation..... | 648 | 666 | 63,828 | (9) | (4) | (649) | ... | (2) | (483) | (504) | (28,131) | 156 | 156 | 35,048 | | | | |
| 3. Fugitive Apprehension..... | 584 | 594 | 43,861 | ... | ... | (576) | ... | (2) | ... | ... | ... | 584 | 592 | 43,285 | | | | |
| 4. Seized Asset Management..... | 436 | 379 | 28,813 | (27) | (13) | (1,498) | ... | (2) | ... | ... | ... | 409 | 364 | 27,315 | | | | |
| 5. D.C. Court..... | 191 | 169 | 11,090 | (32) | (16) | (2,551) | ... | (1) | ... | ... | ... | 159 | 152 | 8,539 | | | | |
| 6. Service of Process..... | 182 | 195 | 13,062 | ... | ... | (172) | ... | (1) | ... | ... | ... | 182 | 194 | 12,890 | | | | |
| 7. Field Support and Training..... | 179 | 181 | 11,928 | (11) | (5) | (1,025) | ... | (1) | ... | ... | ... | 168 | 175 | 10,903 | | | | |
| 8. ADP/Telecommunications..... | 32 | 29 | 22,876 | ... | ... | (3,434) | ... | ... | ... | ... | ... | 32 | 29 | 19,442 | | | | |
| 9. Management and Administration..... | 195 | 196 | 16,873 | (11) | (6) | (1,569) | ... | (1) | ... | ... | ... | 184 | 189 | 15,304 | | | | |
| Total..... | 3,908 | 3,772 | 346,674 | (222) | (111) | (32,827) | ... | (14) | ... | ... | ... | 3,686 | 3,647 | 313,847 | | | | |

Congressional Appropriation Actions. The Congress funded \$1,880,000 in program increases for 1992 to support Prosecution of the Judicial Process, National Prisoner Transportation, and Seized Asset Management, but did not provide resources requested in the President's budget for D.C. Superior Court, Field Support & Training, ADP & Telecommunications, and Management & Administration.

Adjustments in Permanent Positions and Workyears. The absorption of pay increases and other costs will not allow support for all of the workyears that Congress may have expected. This column displays the adjustments necessary to support the President's Budget.

Reprogramming. The reprogramming of budget authority reflects the permanent effect of the September 24, 1991, reprogramming notification. In the narrative accompanying the notification it was noted that the reprogramming was of a permanent nature and would carry into 1992. At the same time, approval was given to display In-District Transportation resources (249 positions, 259 workyears, and \$11,902,000) and Receipt & Processing resources (234 positions, 245 workyears, and \$12,357,000) in the Prosecution of Judicial Process program instead of in the National Prisoner Transportation program, beginning with the submission of the 1993 President's budget.

United States Marshals Service

Salaries and expenses

Summary of Requirements

(Dollars in thousands)

| | Perm. Pos. | Work- Years | Amount |
|---|---------------|----------------|-----------|
| Adjustment to base: | | | |
| 1992 as enacted..... | 3,686 | 3,661 | \$313,847 |
| Adjustments in permanent positions and workyears..... | ... | (14) | ... |
| 1992 Appropriation Anticipated..... | 3,686 | 3,647 | 313,847 |
| Mandatory increases..... | ... | 87 | 26,394 |
| Adjustments in permanent positions and workyears..... | ... | (17) | ... |
| Decreases(automatic, non-policy)..... | ... | ... | (6,422) |
| 1993 base..... | 3,686 | 3,717 | 333,819 |

Adjustment to base:

| | | | |
|---|--|--|--|
| 1992 as enacted..... | | | |
| Adjustments in permanent positions and workyears..... | | | |
| 1992 Appropriation Anticipated..... | | | |
| Mandatory increases..... | | | |
| Adjustments in permanent positions and workyears..... | | | |
| Decreases(automatic, non-policy)..... | | | |
| 1993 base..... | | | |

1992 Appropriation Anticipated

| | Pos. | WY | Amount |
|-------------------------------------|--------|-------|-----------|
| Estimates by budget activity | | | |
| United States Marshals Service..... | 3,686 | 3,647 | \$313,847 |
| | Approp | Reimb | Total |
| | 3,686 | 62 | 3,748 |
| | 117 | ... | 117 |
| | 3,803 | 62 | 3,865 |

1993 Estimate

| | Pos. | WY | Amount |
|-------------------------------------|--------|-------|-----------|
| Estimates by budget activity | | | |
| United States Marshals Service..... | 3,799 | 3,728 | \$341,471 |
| | Approp | Reimb | Total |
| | 3,799 | 62 | 3,861 |
| | 100 | ... | 100 |
| | 3,899 | 62 | 3,961 |

Increase/Decrease

| | Pos. | WY | Amount |
|-------------------------------------|--------|-------|---------|
| Estimates by budget activity | | | |
| United States Marshals Service..... | 113 | 11 | \$7,652 |
| | Approp | Reimb | Total |
| | 113 | ... | 113 |
| | ... | ... | ... |
| | 113 | ... | 113 |

BOY Employment:

| | | | |
|---------------------------|--|--|--|
| Full-time permanent..... | | | |
| Other than permanent..... | | | |
| Total | | | |

United States Marshals Service
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

| Estimates by Program | 1991 as Enacted | | 1991 Actual | | 1992 Appropriation Anticipated | | 1993 Base | | 1993 Estimate | | Increases / Decreases | |
|---------------------------------------|-----------------|--------------|----------------|--------------|-----------------------------------|----------------|--------------|--------------|----------------|--------------|-----------------------|----------------|
| | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY |
| Protection of Judicial Process..... | 1,120 | 1,138 | 894,184 | 1,120 | 1,104 | 891,719 | 1,812 | 1,798 | 8141,121 | 1,812 | 1,842 | 8151,517 |
| National Prisoner Transportation..... | 608 | 631 | 55,418 | 608 | 612 | 53,987 | 168 | 168 | 36,048 | 168 | 168 | 37,764 |
| Fugitive Apprehension..... | 610 | 608 | 51,672 | 610 | 600 | 50,059 | 584 | 562 | 43,285 | 584 | 569 | 46,165 |
| Seized Assets Management..... | 422 | 308 | 23,838 | 422 | 297 | 23,027 | 409 | 384 | 27,315 | 409 | 381 | 27,873 |
| D. C. Superior Court..... | 180 | 145 | 8,442 | 180 | 141 | 8,243 | 189 | 152 | 8,279 | 174 | 168 | 10,568 |
| Service of Process..... | 168 | 182 | 11,365 | 168 | 177 | 11,090 | 182 | 183 | 13,871 | 171 | 182 | 12,571 |
| Field Support & Training..... | 202 | 183 | 12,399 | 202 | 187 | 12,079 | 168 | 175 | 11,798 | 168 | 175 | 10,789 |
| ADP/Telecommunications..... | 42 | 34 | 19,007 | 42 | 33 | 18,174 | 32 | 29 | 19,442 | 32 | 29 | 19,599 |
| Management & Administration..... | 174 | 175 | 14,050 | 174 | 170 | 13,868 | 184 | 186 | 15,204 | 184 | 182 | 17,314 |
| Total..... | 3,516 | 3,402 | 290,185 | 3,516 | 3,351 | 282,064 | 3,698 | 3,717 | 333,519 | 3,799 | 3,728 | 341,471 |
| Reimbursable workyears..... | | 52 | | | 52 | | | 52 | | 52 | | |
| Total calling workyears..... | | 3,464 | | | 3,363 | | | 3,779 | | 3,790 | | |
| Other Workyears | | | | | | | | | | | | |
| Other Personnel Compensation: | | | | | | | | | | | | |
| Overtime..... | | 553 | | | 578 | | | 578 | | 588 | | 10 |
| Total compensable workyears..... | | 4,017 | | | 4,297 | | | 4,367 | | 4,378 | | 21 |

* Corrects an error in the 1993 Budget of the United States.

United States Marshals Service

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary

(Dollars in thousands)

| Activity: U.S. Marshals | 1992 | | | 1993 Base | | | 1993 Estimates | | | Increase/Decrease | | |
|-------------------------------------|---------------------------|--------------|----------------|--------------|--------------|----------------|----------------|--------------|----------------|-------------------|-----------|--------------|
| | Appropriation Anticipated | | | Perm | | | Perm | | | Pos. | | |
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount |
| Estimates by Program | | | | | | | | | | | | |
| Protection of Judicial Process..... | 1,812 | 1,796 | \$141,121 | 1,812 | 1,842 | \$151,517 | 1,883 | 1,849 | \$152,630 | 71 | 7 | \$1,113 |
| National Prisoner Transportation... | 156 | 156 | 35,048 | 156 | 168 | 37,314 | 158 | 169 | 37,764 | 2 | 1 | 450 |
| Fugitive Apprehension..... | 584 | 592 | 43,285 | 584 | 589 | 46,165 | 584 | 589 | 46,165 | ... | ... | ... |
| Seized Assets Management..... | 409 | 364 | 27,315 | 409 | 381 | 27,873 | 409 | 381 | 27,873 | ... | ... | ... |
| D. C. Superior Court..... | 159 | 152 | 8,539 | 159 | 152 | 9,279 | 174 | 156 | 10,588 | 15 | 4 | 1,309 |
| Service of Process..... | 182 | 194 | 12,890 | 182 | 193 | 13,871 | 171 | 182 | 12,571 | (11) | (11) | (1,300) |
| Field Support & Training..... | 168 | 175 | 10,903 | 168 | 175 | 11,789 | 168 | 175 | 10,789 | ... | ... | (1,000) |
| ADP/Telecommunications..... | 32 | 29 | 19,442 | 32 | 29 | 19,589 | 54 | 35 | 25,777 | 22 | 6 | 6,188 |
| Management & Administration..... | 184 | 189 | 15,304 | 184 | 188 | 16,422 | 198 | 192 | 17,314 | 14 | 4 | 892 |
| Total..... | 3,686 | 3,647 | 313,847 | 3,686 | 3,717 | 333,819 | 3,799 | 3,728 | 341,471 | 113 | 11 | 7,652 |

This budget activity provides vital support to the Federal Government's administration of the justice system in the areas of operational support and protection of the federal judiciary, including court security; execution of fugitive investigations and court orders; seizure, management and disposal of assets subject to judicial forfeiture; protection of key government witnesses; custody and transportation of unsentenced federal prisoners; and contracting with local detention facilities for the housing of unsentenced federal prisoners.

1992 Appropriation
Enacted

| | 1992 Enacted | | 1991 Base | | 1991 Estimate | | Increase/Decrease | | | | |
|---|--------------|-----------|------------|-----------|---------------|-----------|-------------------|-----------|----|---|---------|
| | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | | | |
| Protection of the Judicial Process..1,812 | 1,796 | \$141,121 | 1,812 | 1,842 | \$151,517 | 1,883 | 1,849 | \$152,630 | 71 | 7 | \$1,113 |

Long Range Goals: To ensure the integrity of the Federal judicial system by providing security at all places in which Federal judicial business is conducted, and to eliminate fear of intimidation, retribution, or physical harm on behalf of all judicial participants.

To protect those witnesses, potential witnesses, and their dependents whose lives are in jeopardy as a result of actual or potential testimony against criminal organizations, drug traffickers, terrorists and other Federal criminals.

To ensure prisoner and courtroom security at judicial proceedings.

Major Objectives:

To maintain security at over 500 judicial facilities across the Nation by: evaluating new and changing requirements; providing technical assistance to U.S. Marshals and the Federal judiciary on security procedures; and, using the latest state-of-the-art security equipment.

To provide personnel and security systems to protect all high-threat trials, other criminal proceedings, and certain civil proceedings, where warranted.

To augment courtroom security with specially trained Special Operations Group (SOG) Deputy U.S. Marshals for high-risk/threat court security needs.

To provide 24-hour-a-day security services to establish and maintain a threat assessment and risk management methodology service for members of the Federal judiciary (including employees and families) threatened as a result of performing their duties. Security is also provided to sequestered juries, grand juries, and judicial conferences.

To provide contract security officers and security equipment to secure all judicial facilities.

To protect those endangered witnesses and their families who have been approved for protective services by the Department of Justice, Criminal Division, Office of Enforcement Operations.

To ensure that endangered witnesses can testify without fear of retribution.

To assist witnesses and families in becoming self-sustaining through relocation under new identities.

To receive and produce all prisoners in accordance with calendars.

To ensure that prisoner holding areas in Federal courthouses meet minimum National standards for safety, health and security.

To inspect jails for compliance with Federal, State and local standards and to assist in designing and implementing improvements to conditions of confinement, thus reducing overcrowding and inmate litigation.

To administer the Intergovernmental Service Agreement, the Cooperative Agreement, and the Federal Excess Property Programs to obtain adequate detention space in Federal Court cities.

To ensure that Marshals Service personnel meet suitability and security standards.

Basic Program Description: The Judicial Security program maintains the integrity of the Judicial process by ensuring that each Federal judicial facility is secure and all Federal judges, magistrates, prosecutors and participants can conduct proceedings in an open and safe environment.

The Technical Assistance element provides highly trained judicial security specialists to assist U.S. Marshals, judges, and other members of the judicial family in evaluating security risks and planning and implementing responses.

The Court Security element uses personnel and proven systems and procedures to ensure the integrity of the judicial process. Appropriate security measures include screening courtroom participants, packages, and spectators with X-ray equipment and metal detectors outside Federal courthouses; isolating the original defendants from the public; and ensuring that an appropriate number of Deputy U.S. Marshals are assigned to the courtroom to preclude or minimize any disruption that could reasonably be anticipated.

The Threat Analysis Division provides information concerning threats to judicial family members, Marshals Service personnel, and to those who are under the protection of the Marshals Service. This includes a centralized Threat Analysis group that supports operations involving judicial security, high-threat trials, witness security, and enforcement operations (especially the execution of warrants involving violence-prone groups), by preventing acts of violence and intimidation, and providing intelligence information for those members of the judicial family under threat.

The Judicial Facility Security element utilizes authority delegated by the General Service Administration to contract with the private sector for highly qualified contract guards, called Court Security Officers (CSOs), and for the installation and maintenance of physical security equipment. All direct costs for this program element are funded by the Judiciary through a Memorandum of Understanding with the Administrative Office of the United States Courts (AOUSC).

The Witness security activity is the Government's most effective way to obtain testimony against accused drug dealers, major organized crime members, and terrorists. It encourages potential witnesses to testify by providing the secure environment and support services necessary to eliminate fear that such testimony would jeopardize the safety of the witnesses and their families.

This program supports the Federal judicial system through the timely receipt, administrative processing, and production for judicial proceedings of all prisoners in Marshals Service custody. Individuals arrested or detained for violation of Federal statutes are remanded to the custody of the Marshals Service. Federal prisoners are transported and moved within and between districts for observation, and service of sentence. Short-distance prisoner moves are completed by district personnel using government vehicles.

Account Elements and Workload:

| Item | 1990 | 1991 | 1992 | Estimate | 1993 |
|---|---------|---------|---------|----------|---------|
| JUDICIAL SECURITY | | | | | |
| Criminal trial bench hours..... | 124,102 | 127,289 | 140,000 | 140,000 | 157,000 |
| Civil trial bench hours..... | 156,539 | 151,618 | 153,000 | 153,000 | 154,700 |
| Other proceedings bench hours..... | 146,800 | 159,703 | 169,200 | 169,200 | 179,200 |
| Magistrate proceedings..... | 469,328 | 485,379 | 474,700 | 474,700 | 484,200 |
| Threats received..... | 496 | 562* | 400 | 400 | 440 |
| Protective services details..... | 143 | 109* | 130 | 130 | 150 |
| Judicial conferences..... | 124 | 137 | 145 | 145 | 155 |
| Personnel Security (Background Investigations Requested)..... | 684** | 672 | 690 | 690 | 715 |
| Background Investigations..... | 20 | 212 | 783 | 783 | 783 |

* Significant drop reflects distortion caused by the 11th Circuit crisis in 1990.
** Final numbers were not available at the time the 1992 Congressional was prepared.

Final numbers were not available at the time the 1992 Congressional was prepared.

| | 1990 | 1991 | Estimated 1992 | Estimated 1993 |
|---|--------|--------|-------------------|-------------------|
| WITNESS SECURITY | | | | |
| New principal witnesses..... | 173 | 175 | 185 | 215 |
| Cumulative witness workload..... | 5,611 | 5,786 | 5,956 | 6,171 |
| Cumulative program participants (includes witnesses & family members)... | 12,612 | 12,982 | 13,150 | 13,590 |
| Households funded/maintained/active..... | 16 | 16 | 15 | 15 |
| Average months witnesses are funded..... | 81 | 71 | 80 | 85 |
| Reactivated witnesses..... | 3,341 | 3,750 | 3,800 | 4,000 |
| Production days (Court appearances)..... | 519 | 530 | 550 | 570 |
| Unique WC's Produced..... | 1,410 | 1,500 | 1,600 | 1,670 |
| No. of Unique Production Trips..... | N/A | N/A | 124 | 130 |
| Prisoner Witness Visitation..... | 213 | 139 | 208 | 260 |
| Child visitations..... | 1,801 | 1,704 | 1,820 | 1,940 |
| New personal history documents..... | 163 | 177 | 195 | 215 |
| Household relocations..... | 222 | 184 | 200 | 218 |
| Preliminary interviews..... | 1,758 | 2,499 | 2,480 | 2,800 |
| Employment assistance..... | 270 | 200 | 235 | 240 |
| FOIA, Congressional requests..... | 26,136 | 24,711 | 25,500 | 26,300 |
| Financial Services (voucher transactions)..... | 38,416 | 38,440 | 38,500 | 41,300 |
| Field reports (witness contacts)..... | | | | |

| | Estimated 1991c | Estimated 1992 | Estimated 1993 |
|--|--------------------|-------------------|-------------------|
| Short-Term D.C. Witnesses..... | 2 | 50 | 50 |
| Cumulative Short-term DC Witnesses and Family members..... | 9 | 109 | 209 |
| Production Days..... | 0 | 900 | 900 |
| Preliminary Interviews..... | 3 | 64 | 64 |

* Actual numbers not available at the time of the preparation of the 1993 Congressional.
This program was not implemented until September 1991.

| | Estimated | | |
|---|-----------|---------|---------|
| | 1990 | 1991 | 1992 |
| PRISONER SECURITY | | | |
| Average daily prisoner population..... | 13,390 | 16,168 | 18,923 |
| Prisoners produced for trials..... | 183,212* | 202,143 | 222,357 |
| All other prisoner productions..... | 254,326 | 279,147 | 307,064 |
| Total prisoner productions accomplished.. | 437,538 | 481,290 | 529,421 |
| Number of In-District Prisoner | | | |
| Movements..... | 24,492 | 26,647 | 28,992 |
| Number of Trips Required..... | 8,847 | 9,606 | 10,836 |
| USMS and Courtroom Detention | | | |
| Cells/Prisoner Handling | | | |
| Areas Renovated..... | 31 | 31 | 359 |
| Facilities Under IGA..... | 895 | 875 | 895 |
| Jail Inspections Conducted..... | 616 | 620 | 670 |
| Percent of Jail Inspections | | | |
| Required Completed..... | 55† | 54† | 56† |
| IGA Awards..... | 262 | 280 | 300 |
| IGA Backlog..... | 156 | 201 | 251 |
| USMS and Courtroom Detention | | | |
| Cells/Renovated..... | 8 | 20 | 20 |

* Final numbers for 1990 were not available at the time the 1992 Congressional was prepared.

JUDICIAL SECURITY

The growth in the Marshals Service judicial security workload has been spurred by Administration and Congressional initiatives which include: the Comprehensive Crime Control Act of 1984, the Organized Crime Drug Enforcement Task Force, the Sentencing Reform Act and the Anti-Drug Abuse Act of 1988.

The level of security provided by the Marshals Service at criminal court proceedings is determined by the nature of the offense. The Administrative Office of the U.S. Courts (AOUSC) reports that, "New drug cases continue to lead the increase in criminal filings" and AOUSC reported in 1990 that criminal appeals cases rose 18 percent with drug appeals cases accounting for 60 percent of all criminal appeals. Drug cases typically involve multi-defendant trials, and these trials require a higher level of security and are more complex than any other category of criminal offenses. Because they are labor-intensive these cases require enhanced staffing and other resources to ensure the safety of the judicial process and all its participants.

The ADUSC received 54 new judgeships in 1992. The number of trials will increase as each new judge is appointed. With the increase in trials and other judicial proceedings, the number of production days will increase, requiring additional Deputy workhours.

Deputy workhours are directly related to bench hours. Usually, Deputies are required to be in the courtroom prior to, during, and after criminal, civil, and magistrate proceedings when a defendant is present, and always when there is a potential opportunity for disruptive or violent actions in and around the courtroom. The 1982 Report of the Attorney General's Task Force on Court Security -- which has been endorsed by the Attorney General, the Chief Justice, and the Judicial Conference of the United States -- established the risk criteria regarding the requirement for security resources to secure court proceedings.

The Marshals Service's workload continues to spiral in support of the Administration's policy of combating the drug problem. As other Federal law enforcement agencies, especially the DEA, FBI, and Customs Service increase their efforts to fight the war on drugs, the Service's workload grows dramatically as more and more cases enter the judicial system.

Threat Analysis Division (TAD): The primary responsibility of TAD is to support other Marshals Service divisions and field operations in assessing the danger that criminal elements pose to Marshals Service personnel and its protectees. A large portion of the workload trend reflects increases caused by cases involving drugs. In 1990, over half of all threat assessments completed by TAD involved drug related threats. By September 30, 1991, over 75 percent of the 116 threat assessments completed involved drug-related threats.

Legislation passed to support the National Drug Control Policy has brought about a significant increase in workload within the Threat Analysis Division by targeting domestic and international drug organizations. These groups pose a real threat to the Federal judiciary: the Sonja Berrios drug organization recently dismantled by prosecutions in Puerto Rico, the Charif Wadgy drug organization in Virginia, the Miami Boys drug gang, and Jerry LeQuire drug group are but a few. As a result of the increase in drug organizations, the number of drug cases prosecuted in Federal court continues to rise, along with the number of defendants in each case. Multi-defendant drug prosecutions are the norm.

TAD is continuing to enhance liaison with State, local, Federal, and International law enforcement and intelligence agencies. The Drug Enforcement Directorate of the Royal Canadian Mounted Police, after interviewing over 60 law enforcement agencies throughout the United States and Europe, structured their unit after the Threat Analysis Division.

Special Operations Group (SOG): The mission of SOG is to provide operational support and expertise to the Marshals Service. This involves high-risk/threat situations related to court security, fugitive operations, personal protection, prisoner transportation, seizures, witness security or any other law enforcement functions assigned to the Service.

This mission is in addition to SOG's traditional responsibility of responding to situations of national significance at the request of the Director of Marshals Service or the Attorney General. SOG Deputies also have provided training in counter-terrorism and specialized police tactics to Foreign law enforcement officials on a reimbursable basis through the State Department's Anti-Terrorism Assistance Program.

Inspections Security Division (ISD) has made significant progress during 1990-1991 in improving the Marshals Service's Personnel Security Program. Increased responsibility was placed upon the USMS in 1990 through the delegation of authority from the Department of Justice to adjudicate background investigations of USMS employees and contractors under Executive Order 10450. This additional responsibility places final authority on the USMS in making suitability determinations, and for the retention of official security files.

The Program Review Division (PRD) was established in 1991 to conduct reviews of District operations and USMS programs, and to monitor all audits of USMS activities conducted by outside organizations. The establishment of this Division was essentially a re-establishment of an internal review function that existed in the USMS prior to 1989 when the DOJ Office of the Inspector General was established.

WITNESS SECURITY

The nature of criminal cases pending in the judicial system underscores the importance of the witness security program. A number of major drug dealers and organized crime members are currently on or awaiting trial.

Since 1970, over 5,700 principal witnesses and over 7,000 family members have entered the Witness Security Program on the recommendations of U.S. Attorneys and/or the approval of the Criminal Division, Department of Justice. In 1990, 766 principal witnesses and their families received active protection and funding. The Marshals Service provides these witnesses with around-the-clock protection while they are in threat environments and during their return to danger areas for pre-trial conferences, trials, or other court appearances. In 1991, there were 3,750 production days, an increase of 20 percent over 1988. The Service projects an increase to 4,000 production days by 1993. During all of these production days, no witness following the guidelines of the program has been injured or killed.

During 1993, the Service will experience the full impact of the new D.C. Short-Term Program, which was implemented on a test basis at the end of fiscal year 1991. The preceding Accomplishments and Workload Tables include, for the first time, anticipated workload associated with this new program initiative, which was developed to assist with the short-term security needs of the District of Columbia.

Another responsibility for the Witness Security Division is that of "second generation witnesses." Because of the lifetime commitment, program services are now provided to the grown children of those first program participants. The Marshals Service must now provide additional program services, e.g., documentation for military and college records, for

these "second generation witnesses".

The program honors court-ordered requests for child visitations. In 1993, an anticipated 260 visits will occur, averaging more than 21 visits per month. Such visits require difficult coordination, bringing together various family members, living in different States. These visits, involving multiple protectees, require around-the-clock security details and expend a substantial amount of personnel and resources.

In 1991, there were 177 household relocations. A typical move of household goods involves the production of the witness and/or spouse back to the danger area for several days. Staffing requirements vary as security concerns dictate. In an effort to reduce this danger to the witness and to Marshals Service personnel, the Marshals Service, as a new program initiative, is attempting to adopt new guidelines providing for the monetary replacement of household goods in lieu of subjecting move participants to threats during the packing, pickup, and shipment of their goods. The Service projects that once this new program initiative is implemented one half of all new principal witnesses will take advantage of this service. While we currently do not possess the capability of tracking both the household-goods moved and the one-time monetary replacements, we expect to be able to do this in 1992, and our 1992 and 1993 projections represent the combined total of moves and buy-outs.

An additional workload requirement is providing employment assistance to witnesses and their families. The Marshals Service currently funds witnesses for an average of 16 months, expending funds from the Protection of Witnesses component of the Fees and Expenses of Witnesses appropriation on subsistence, housing and medical expenses for witnesses. In 1991, 657 witness and family households were funded/maintained, for an average of over \$13,000 per house. Having witnesses become self-sustaining is cost-effective and helps the witness and family to better and more quickly adjust to their new lives in new communities. Nearly 95 percent of the protected witnesses have criminal backgrounds and it is difficult to find employment for them, since their resumes are extremely limited in terms of legitimate prior employment. Witnesses often require repeated employment assistance.

PRISONER SECURITY

In 1991, the Marshals Service received 92,000 individuals charged with violating Federal law, with over 105,000 committed to contract jails and the remainder housed in Federal institutions. On the average, each prisoner is produced five times for appearances at detention hearings, trials, other court proceedings, medical care, or transfers between detention facilities. By 1993, the average number of times a prisoner must be produced will increase to seven.

The creation of 85 Federal judgeships in 1990 will enhance the courts' ability to provide justice swiftly and will generate additional court cases. The increase in drug-related cases in court requires Deputies for special assignment from Districts across the country to support high-risk trials, thereby leaving their home Districts short-handed.

Latest data available from the Administrative Office of the United States Courts (AUSC) indicates that criminal case filings rose six percent during 1990, with more than 37 percent of all pending criminal cases involving drug offenses. During the previous two years, the rate of growth for criminal case filings was a more moderate three percent. Because drug offenses tend to involve many participants, the average number of defendants charged in each drug case was 1.6, while the average non-drug offense was 1.2.

Federal judicial reform and law enforcement initiatives over the past several years have served to dramatically increase the Marshals Service's average daily prisoner population (from 5,383 in 1984 to more than 17,000 in 1991). Over the last decade, more drug-related crime, the war on drugs (increase number of Federal prosecutors), mandatory penalties that give defendants no incentive to plead guilty, and sentencing guidelines that make even entering a guilty plea a time-consuming mini-trial have had significant impact on the Marshals Service's workload.

Even though the expanded CAP program will provide some relief to the jail space crisis, results from the BOP/USMS/INS Five Year Detention Plan will not be realized until 1994 or beyond as jail construction projects take from one to two years to complete. Requirements for Deputies to transport prisoners great distances to available jail spaces in rural areas of the country will continue to adversely impact the Marshals Service resources.

In view of the increasing prisoner population and the jail space shortfall projected, the requirement to move Federal prisoners will continue to grow. Additional operational workyears will be required to transport prisoners from jail to court and back for scheduled proceedings. Over half the State prison systems remain under court order to reduce prisoner levels. In fact, as a result of overcrowding, the State use of local jails increased 12 percent from 1988 to 1989 compared to the Federal use increase of eight percent according to the Bureau of Justice Statistics (BJS). Additionally, local jail occupancy was up from 85 percent in 1983 to 108 percent in 1989 (BJS). As the availability of local jail space has decreased and the number of pre-sentenced prisoners in custody has grown at an extraordinary rate (about twice the level of just three years ago), the demand for Federal detention space has reached the crisis stage.

The demand for detention space is extremely critical in the Northeast region of the country. As all jail space in State and local facilities has been exhausted, the Marshals Service is required to manage and allocate jail space for Marshals Service prisoners in the Northeast on a daily basis in Bureau of Prisons facilities. In Boston, Deputy Marshals begin each day traveling to Danbury, Connecticut, to retrieve prisoners and bring them to court. As a result, 14 hour days, transport under adverse weather conditions, and higher security risks (transporting drug offenders, terrorists, and others) have become commonplace.

As a result of the exhaustion of available jail space in the Northeast region, the USMS National Prisoner Transportation System (NPTS) was directed to move several special flights from Otisville, New York, to available space in Austin, Texas, and Iberia Parish, Louisiana. Additional special flights were conducted to reduce NPTS grid locks at several institutions by moving prisoners to jails in New Mexico, Texas and Louisiana. The situation has deteriorated to the

point that regularly scheduled weekly airlifts are conducted by NPTS to reduce overcrowding in the New York City area.

More DUSM resources are required just to receive, produce, and guard in court, because of the ever growing prisoner population. Productions just for trials have increased 136 percent in the last five years (from 85,745 in 1986 to 202,143 in 1991). During that time, the annual average prisoner population went from 7,328 to more than 17,000. In the last 12 months, the USMS prisoner population has grown by 29 percent, from 13,383 in July 1990 to 17,334 in July 1991.

A 1989 Detention Survey completed by the Service showed that the average daily prisoner load would reach over 16,000 in 1991. By 1995, the prisoner population level is expected to reach almost 29,600, with a bedspace shortfall of 20,400 beds. At that rate, the Service's prisoner population level will have grown 714 percent from 1979-1995.

Program Changes:

| | <u>1991 Base</u> | | <u>1993 Estimate</u> | | <u>Increase/Decrease</u> | |
|-----------------------|------------------|-------|----------------------|-------|--------------------------|-----------|
| | Perm. | Posl. | Perm. | Posl. | Perm. | Posl. |
| Protection of the | | | | | | |
| Judicial Process..... | 1,812 | 1,842 | \$151,517 | 1,883 | 1,049 | \$182,630 |
| | | | | | 71 | 7 |
| | | | | | | \$1,113 |

Included in the Marshals Service request for the 1993 Protection of the Judicial Process program is a net increase of 71 positions, (including 57 Deputy Marshals, 8 Criminal Investigators, and 8 support positions) 7 workyears and \$1,113,000. The request includes increases of 19 positions, 8 workyears and \$1,884,000 for judicial security; 28 positions, 7 workyears and \$6,747,000 for prisoner security; and 8 positions, 3 workyears and \$384,000 for personnel security; and a total reduction of 14 Deputy Marshals, 14 workyears and \$9,412,000 from the proposed closing of Camp Beauregard and the deferral of construction.

These program increases are requested to meet a growth in Judicial Security workload generated by the Administration's determined efforts to combat drug, terrorist, and violent crime activity. A large portion of this workload is generated by other law enforcement agencies, especially the DEA, FBI, and Customs Service. As these agencies increase their efforts to apprehend and prosecute drug traffickers, the Service must handle an increasing number of lengthy and costly multi-defendant trials. Processing high-threat criminals through the courts requires additional staffing dedicated specifically to these cases. Without additional resources, the Marshals Service will be unable to provide an adequate level of security for these trials. The requested resources for prisoner security are imperative to ensure secure prisoner productions in accordance with court calendars.

- (1) Judicial Security: The Marshals Service requests 19 positions, 8 workyears and \$1,884,000 for courtroom security.

The 13 Deputies and 6 Criminal Investigators are required to provide security for the Federal Judiciary as a result of increasing bench hours and high-risk trials at the district and circuit level. These Deputies will also provide needed manpower for protective details and judicial conferences.

An important workload indicator is the number of threats against members of the Federal judiciary. In 1990, 496 threats were reported against members of the judiciary, a 50 percent increase above the 1989 level. Although the 1990 increase was affected by the 11th Circuit bombings, this was the second consecutive year with a 50 percent increase in the number of threats against the judiciary. As threats to the judiciary increase, the number of personal protection details also increase. In 1990, there were 143 protection details, a 54 percent increase above the 1989 level.

In 1993, judicial conferences are expected to increase 13 percent above the 1991 level of 137. Court Security Inspectors implement physical and personal security at these off-site conference areas where the judiciary is particularly accessible and vulnerable.

(2) **Prisoner Security:** In order to continue to provide prisoner security, the Marshals Service requests 28 Deputies, 7 workyears and \$2,315,000. In 1993, the Marshals Service will continue to face unprecedented prisoner handling and security demands. The number of drug cases in Federal courts has jumped more than 300 percent since 1980, as more drug offenders are brought to justice.

Arrests made in support of the Administration's aggressive anti-drug strategy, and the implementation of the Immigration Control and Reform Act give the Marshals Service custody of the most dangerous types of offender. The level of personal resources available to drug dealers heightens security requirements. The longer these prisoners remain in custody, the more frequently they must be produced for detention and bond hearings, or for interviews with U.S. Attorneys.

The Office of National Drug Control Policy's unified, integrated war on drugs will require extraordinary prisoner security measures from the Service as more sophisticated drug cartel figures are apprehended. Emphasis on high intensity drug trafficking areas, through which most of the drugs consumed in the U.S. flow, will produce increased prisoner loads for the Service. Continued increases in resources for Federal investigative agencies, which in turn generate higher prisoner loads, have a direct impact on the Service's prisoner security requirements. Lengthier, more complex trials with extensive pre-trial production requirements will continue to increase the USMS daily prisoner load dramatically.

High-threat, drug-related multi-defendant trials have become commonplace in the last four years. In 1991, prisoner productions rose to 481,290, 61 percent above the 1987 level of 298,467. Many drug cartel and organized crime figures must be produced as many as 12 times for bond hearings, pre-trial motions, and actual trial proceedings. As the crackdown on drug cartels intensifies, extraordinary security procedures will be necessary to ensure secure production.

The creation of 85 new Federal Judgeships in 1990 provided the courts with the means to fight against crime and drugs by enhancing the courts ability to provide swift justice. These new judges generate additional court cases which intensify the necessity for unique security steps to ensure safety in the courtroom. The vast increase in drug-related cases in court requires Deputies to be pulled from Districts across the country for special assignments to support these high risk trials, leaving their home Districts short-handed. The requested increase of 28 Deputies to handle the growing prisoner workload will relieve the hardship placed on the Districts when special assignments occur.

(3) For In-District transportation 30 Deputies, 7 workyears and \$2,282,000 are requested for producing prisoners in accordance with court calendars. In view of the increasing prisoner population and the detention space shortfall projected, the requirement to move Federal prisoners will continue to exacerbate an already critical situation as local detention space continues to dwindle. Additional Deputies will be required to transport a more violent, dangerous prisoner population from jail to court and back again for scheduled court proceedings. Public and agency employee safety must remain paramount when moving prisoners long distances for court appearances.

(4) Self surrender/court ordered prisoner travel - \$150,000 is requested to fund the increase in court-ordered unescorted travel of prisoners and self-surrender travel of prisoners.

(5) Personnel Security: An increase of 2 Deputies, 6 support positions, 2 workyears and \$394,000 is requested to conduct background investigations and reinvestigations of Marshals Service personnel. The Office of Personnel Management (OPM) has advised the Marshals Service of their intent to increase the cost of background investigations an average of eight percent in 1992 over 1991 costs, and an additional eight percent in 1993, resulting in the cost of a background investigation increasing from \$2,300 in 1991 to \$2,700 in 1993.

Background investigations are required by OPM and DOJ regulations for all new full-time, part-time, temporary, and contract employees. Failure to fully fund the anticipated cost increase will result in the Marshals Service not having sufficient funds to initiate all of the investigations which are required, and may result in employees with serious background issues working in sensitive law enforcement positions, potentially placing the public at risk, and subjecting the Service to civil liability and penalties.

DOJ Order 2610.2A, issued August 21, 1990, instituted a requirement that all employees be reinvestigated every five years. This Order, and the Federal Personnel Manual, Chapter 736, requires that background reinvestigations are conducted to ensure that all employees continue to meet basic suitability and security standards. By identifying "at risk" employees through reinvestigations, the threat to sensitive and classified government information is diminished.

Effective September 4, 1990, the Office of Personnel Management (OPM) and the Marshals Service entered into a special agreement which delegated authority to the Internal Security Division to conduct an unlimited number of background investigations on Marshals Service personnel. The task is now being performed by part-time and temporary investigators.

The addition of permanent investigators to the staff will enable the service to conduct investigations within limited constraints, and at a reduced cost in comparison with the investigations completed for the Marshals Service by OPM. It is conservatively projected that Background Investigations can be completed by the Marshals Service within 35 days, compared to OPM service frequently in excess of one year, and at approximately 80 percent of the cost charged by OPM.

(6) **Program Reductions:** The proposed closure of the Marshals Service training facility at Camp Beauregard, Louisiana, will provide a reduction of -\$1,750,000, -14 Deputy U.S. Marshal positions, and -14 workyears. The majority of the training done at Camp Beauregard is for the State Department's Anti-terrorism Assistance Program (ATAP). In 1991, only 36 of the 167 students trained at Camp Beauregard were SOG Deputies, while the remainder were ATAP students. Given the limited nature of training for USMS personnel at the facility and the spending restrictions of the Budget Enforcement Act, the Department believes that it can not afford a separate training facility for the USMS Special Operations Group. In addition, the proposed postponement of part of the holding cell projects planned for 1993 until 1994 will result in savings of \$3,662,000. Spreading these projects over two years will contribute to the Department's efforts for 1993 to remain within the spending restrictions of the Budget Enforcement Act.

1992 Appropriation

| | Anticipated | | | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | | |
|---------------------------------------|-------------|-----|----------|-----------|-----|----------|---------------|-----|----------|-------------------|----|--------|
| | Per. | NY | Amount | Per. | NY | Amount | Per. | NY | Amount | Per. | NY | Amount |
| National Prisoner Transportation..... | 156 | 156 | \$35,048 | 156 | 168 | \$37,314 | 156 | 169 | \$37,764 | 2 | 1 | \$450 |

Long-Range Goal: To ensure expeditious and secure transportation of Federal Prisoners.

Major Objectives:

To expand the National Prisoner Transportation System (NPTS) capabilities to further reduce costs and increase services to other Federal agencies on a reimbursable basis.

To reduce staff time, travel costs and jail expenses associated with the transportation of prisoners by improving scheduling and processing techniques and maximizing the use of mass transportation systems.

To establish and maintain an automated prisoner management information system monitoring Federal prisoner populations and reducing transportation expenses.

To develop and implement the Offender Based Information System (OBIS) for scheduling and moving Federal prisoners.

Basic Program Description: This program supports the Federal judicial system through the timely transportation and movement of Federal prisoners via the National Prisoner Transportation System. Individuals arrested or detained for violation of Federal statutes are remanded to the custody of the Marshals Service. Sentenced Federal prisoners are transported to Federal institutions for service of sentence.

Accomplishments and Workload:

| Item | Estimates | | |
|--|-----------|---------|---------|
| | 1990 | 1991 | 1992 |
| Total Number of Prisoner Movements..... | 168,367 | 184,779 | 207,361 |
| Number of Prisoner Moves Via NPTS..... | 127,052 | 137,944 | 155,601 |
| * Final numbers for 1990 were not available at the time the 1992 Congressional was prepared. | | | |

The Marshals Service continues to make improvements to its National Prisoner Transportation System. For the period 1979 to 1990, NPTS prisoner movements increased 305 percent (31,407 in 1979 to 127,052 in 1990) while escorting-deputy workyears decreased by 48 percent (274 workyears in 1979 and 142 workyears in 1990). The cost reductions and productivity improvements were a direct result of the development and implementation of plans to transport prisoners in mass number and to speed up the movement process, thereby allowing a decrease in the more costly commercial air and air charter travel. So successful were the program changes that for the period 1979 through 1990, commercial air use for transporting prisoners was reduced by 86 percent (14 percent of total movement in 1979 to 2 percent of total movement in 1990). The reduction in commercial air use provided millions of dollars in direct savings as well as enhanced prisoner security and public safety, because commercial air travel for prisoners is the least secure method of transportation.

These program improvements and productivity increases were made possible through well-planned program changes which included the no-cost acquisition and operation of a Boeing 727 jet in 1985. The aircraft provided expanded service to USMS and BOP locations. In 1988, additional improvements were made in the scheduling process and a second B-727 aircraft was acquired to satisfy the increased demands for this type service. The second large aircraft extended airlift service to 16 additional cities, for a total of 35 major cities now served by NPTS large aircraft.

In 1991, NPTS planned expanded air service to the more remote U.S. locations through the assignment of Sabreliner jets at strategically located satellite operations. By design, these satellite operations will reduce the more labor intensive car and van trips used to transport prisoners over long distances, and provide a feeder system for the large airlift (B-727 jet) operations. NPTS also serves the Bureau of Prisons, Immigration and Naturalization Service, State and local governments, and the U.S. Military (Army, Air Force and Navy).

NPTS is now one of the most valuable resources available to the law enforcement community. Not only does it transport large numbers of dangerous prisoners safely and within court-ordered deadlines, it does so at a fraction of the commercial cost. The cost per-prisoner-moved via the USMS airlift was less than half the cost of commercial air.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|-----------|--------------|---------------|--------------|-------------------|-----------|
| | Per. Pos. | MY Amount | Per. Pos. | MY Amount | Per. Pos. | MY Amount |
| National Prisoner Transportation | 156 | 168 \$35,048 | 150 | 169 \$35,498 | 2 | 1 \$450 |

For 1993, the Marshals Service requests a net increase of 2 support positions, 1 workyear and \$450,000 for the National Prisoner Transportation System. This increase will allow the Service to comply with recent audit recommendations.

(1) Comply with audit recommendations/data collection - 2 positions, 1 workyear and \$80,000. A recent audit of the USMS NPTS was conducted by the Justice Management Division, and from it came a variety of recommendations relating to aircraft security and administrative program changes. The audit identified security of the large jet aircraft at overnight locations as a weakness and mandated improvements. It is estimated at this time that a minimum of \$500,000 per aircraft will be needed to provide the security necessary. In addition to the security concerns raised in the audit, there was also a strong recommendation for the collection of additional financial information from a variety of in-agency and out-of-agency sources for inclusion in the cost analysis of transporting prisoners. One position is required to collect, assemble, and analyze the financial information. Also, the audit report mandates the Service to correct the USMS District violations of the established prisoner transportation policies and procedures. An additional position is required to provide on-site inspections, local training, policy reviews, etc.

(2) Inter-agency agreement with the Research and Special Programs Administration, Transportation Systems Center (900), U.S. Department of Transportation to study and evaluate equipment and procedures used to move prisoners while in Federal custody - \$400,000. As a result of recent DOJ audits, USMS has been requested to evaluate future equipment purchases, maintenance programs and equipment allocations relative to the handling and transportation of prisoners. To date, no comprehensive study has been conducted concerning prisoner loads (existing and proposed), security procedures, and safety. USMS is currently in the discussion stages with INS and DOB to absorb phases of their prisoner movement. This increased responsibility could have a negative impact on the Service's ability to perform mission-related functions if our planning is not comprehensive.

The Marshals Service requires technical expertise to evaluate the existing fleet of prisoner vans, buses, vehicles, and aircraft to correct any existing deficiencies. TSC had the technical staff to conduct both the long-range comprehensive planning studies and to test and evaluate USMS equipment needs. In the past, TSC has provided expert guidance to USMS in determining the standards for x-ray machines, magnetometers and overall security procedures for Federal courthouses. As a result, the Service is seen as a leader in judicial security by local and foreign governments.

Specific studies include an assessment of past prisoner movement routes and traffic volumes as well as identification of

critical modes in terms of prisoner transfer points and overnight storage of vehicles and aircraft. The prisoner load analysis will help USMS identify deficiencies in capacities, types and distribution of surface vehicles and aircraft.

Related equipment studies include testing and evaluation of prisoner restraining devices, communications and tracking systems, anti-intrusion detection devices, emergency equipment, and prisoner screening equipment. TSC has contracts with government and private research facilities to test and evaluate products.

The Service intends to use the information from these studies and evaluations to improve and enhance efficiency, safety and security in the prisoner movement program.

| 1992 Appropriation | | | 1993 Base | | | 1993 Estimates | | | Increase/Decrease | | |
|--------------------|----|--------|-----------|----|--------|----------------|----|--------|-------------------|----|--------|
| Anticipated | | | Perm. | | | Perm. | | | Perm. | | |
| Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY | Amount | Pos. | NY | Amount |

| | | | | | | | | | | | |
|-------------------------|-----|-----|----------|-----|-----|----------|-----|-----|----------|-----|-----|
| Fugitive Apprehension.. | 584 | 592 | \$43,285 | 584 | 589 | \$46,165 | 584 | 589 | \$46,165 | ... | ... |
|-------------------------|-----|-----|----------|-----|-----|----------|-----|-----|----------|-----|-----|

Long Range Goals: To conduct investigations that will provide for the safety of the public by apprehending fugitive felons domestically and internationally and to assist other agencies and foreign governments in fugitive investigations and apprehensions.

Major Objectives:

To keep pace with the rising number of newly issued Federal fugitive warrants and reduce the backlog of felony warrants through special emphasis in high crime rate areas, special apprehension programs, electronic surveillance, automation, upgraded crime analysis and task forces.

To reduce the number of dangerous fugitive felons with continued emphasis on the apprehension and prosecution of the most serious offenders and those offenders contributing to the drug crisis.

To increase the effectiveness of efforts to locate fugitives from U.S. courts located outside the United States.

To continue to respond to state and local governments in fugitive matters in the form of individual investigative assistance, task force operations, emergency assistance and training.

Base Program Description: The Marshals Service is the "warrant squad" in the Federal sector - the only Federal agency primarily responsible for the apprehension of fugitives from justice, i.e., escapees, bail jumpers, parole and probation

violators and others. The Federal courts issued approximately 18,000 new felony fugitive warrants in 1991, 75 percent drug related, in addition to over 53,000 new misdemeanor warrants. This new workload will add to the already high number of fugitive cases, an estimated 17,000, carried over from previous years. The Marshals Service continues to focus its resources on the most serious offenders.

Fugitives from justice, especially those connected with the drug trade, frequently find refuge in foreign countries. The Marshals Service uses its membership at Interpol to refer many U.S. fugitive cases for investigation in other countries, and the Service is expanding the use of technology in conducting fugitive investigations, especially electronic surveillance, special task forces targeting major fugitives, and automated information systems.

No additional resources are requested for this program. At the current level, resources are sufficient to meet the objectives established for this program.

Accomplishments and Workload:

| | 1990 | 1991 | 1992 | 1993 | Estimate |
|--|---------|--------|--------|--------|----------|
| Primary Felony Warrant Activity | | | | | |
| On hand beginning of year..... | 17,107* | 16,955 | 17,005 | 17,005 | 18,455 |
| New warrants received..... | 17,992* | 17,729 | 19,500 | 19,500 | 19,700 |
| percentage drug related..... | 75% | 75% | 75% | 75% | 75% |
| USMS arrests..... | 9,876* | 10,000 | 10,000 | 10,000 | 10,000 |
| Administratively closed cases..... | 4,571* | 4,350 | 4,350 | 4,350 | 4,350 |
| Other agency arrests..... | 3,297* | 3,500 | 3,500 | 3,500 | 3,400 |
| On hand end of year..... | 16,955* | 17,005 | 18,455 | 18,455 | 20,205 |
| Other Felony Warrant Activity | | | | | |
| USMS arrests..... | 6,467* | 6,500 | 6,500 | 6,500 | 6,500 |
| Administratively closed cases..... | 4,694* | 4,700 | 4,700 | 4,700 | 4,700 |
| Misdemeanor Warrant Activity | | | | | |
| New Warrants Rec'd..... | 41,246* | 53,000 | 54,000 | 54,000 | 54,000 |
| USMS arrests/admin. closed cases..... | 36,909* | 47,700 | 47,000 | 47,000 | 47,000 |

* Final numbers for 1990 were not available at the time the 1992 Congressional was prepared.

| International Activities | Estimate | | |
|--|----------|--------|--------|
| | 1990 | 1991 | 1992 |
| International cases to be investigated | 3,252 | 3,800 | 3,900 |
| Investigations conducted | 763 | 3,000 | 4,100 |
| International extraditions | 275 | 350 | 3,150 |
| Special international investigations | ... | 50 | 440 |
| Interpol investigation workload | 5,060 | 5,600 | 75 |
| Investigations conducted | 2,080 | 4,500 | 100 |
| EPIC investigations workload | 20,625 | 25,800 | 6,000 |
| Investigations conducted | 13,200 | 20,600 | 4,800 |
| | | | 27,000 |
| | | | 21,000 |

Marshals Service investigators continue to produce an impressive number of arrests each year, yet, the backlog of cases has increased steadily. At the end of 1991 the Marshals Service had 17,000 felony fugitive warrants on hand. During 1991, the Marshals Service captured 10,000 fugitive felons for which the Service has primary responsibility. Among these were five of the USMS Fifteen Most Wanted fugitives. Over 2,000 of the arrests and almost 3,000 warrants cleared were on behalf of the Drug Enforcement Administration. The Marshals Service is working on an agreement with the U.S. Customs Service to assume full apprehension responsibility for fugitive felons based on warrants generated by that agency. This action will increase the felony warrant activity of the Service by about 300 warrants per year.

In 1991, there were 300 requests for technical surveillance support in conjunction with fugitive investigations conducted by the Marshals Service, an increase of 300 percent over 1990. Also in 1991, the Service successfully conducted its first wire intercept prompting additional requests for such intercepts.

The Marshals Service has responded to the increased demand for technology in criminal investigations. Staffing in support of electronic surveillance activity has been increased through the training and equipping of additional criminal investigators who provide technical support as a collateral responsibility. During 1991, an additional criminal investigator was assigned to each of six District offices in order to provide permanent specialists in the field of technical surveillance in those areas experiencing heightened demand for such specialization.

Marshals continue to improve in drug enforcement initiatives, especially in the "high intensity drug trafficking areas" (HIDTA). During 1991, the Service used HIDTA funding to purchase technical equipment, develop information systems, and perform special fugitive apprehension operations.

Approximately 350 international extraditions were conducted by the Marshals Service during 1991 -- a 27 percent increase over 1990. Renewed relationships with former "Eastern Bloc" countries will increase activity in this area.

Two unprecedented moves occurred in 1991, the extradition of a fugitive from Czechoslovakia and the expulsion of a U.S. fugitive from the Soviet Union. Other "firsts" for 1991 in this area include the extradition of a Jamaican national from Jamaica; the extradition of a U.S. fugitive from Tunisia based on that country's existing law without a bi-lateral treaty in place; the extradition of a drug fugitive from Singapore; and, the extradition of a Guatemalan national from Guatemala based on U.S. drug charges.

The use of automation has increased through the establishment of the Warrant Information Network (WIN) as the core of fugitive and warrant records for the entire Service. Advancements in the WIN system will continue until a viable alternative, such as the developing Offender Based Information System (OBIS) is put into use.

| | 1992 Appropriation | | | 1991 Base | | | 1991 Estimates | | | Increase/Decrease | |
|-----------------|--------------------|-----|----------|-----------|-----|----------|----------------|-----|----------|-------------------|-----|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Seized Asset | | | | | | | | | | | |
| Management..... | 409 | 364 | \$27,315 | 409 | 381 | \$27,873 | 409 | 381 | \$27,873 | ... | ... |

Long Range Goal: To deter crime by depriving criminals of ill-gotten wealth.

Major Objectives:

To develop and implement sound policies and procedures that will result in the timely and efficient seizure, inventory, protection and disposal of targeted assets.

To institute adequate controls over payments for services required to manage and dispose of seized and forfeited property, so that waste, fraud and abuse are avoided.

Base Program Description: This program exists to manage and dispose of the assets and proceeds of criminals prior to forfeiture to the government, and to dispose of the assets for the benefit of the United States. The Marshals Service ensures that court-ordered seizures are carried out effectively, and that the Department of Justice's asset seizure and forfeiture initiative is supported by effective management of property, information, and financial services. Marshals Service personnel execute court orders, initiate property management and disposal contracts, and administer the Assets Forfeiture Fund. Beyond the efforts required to secure, inventory, appraise, store, and manage properties, the Marshals Service participates in extensive pre-seizure planning with investigative and prosecutive agencies, and the courts. Departmental pre-seizure guidelines emphasize that the investigative agency and U.S. Attorney exercise care in establishing the scope of the planned seizure, and that a comprehensive plan be prepared so that post seizure management problems are minimized.

Accomplishments and Workload:

| Item | Estimates | |
|--|-----------|--------|
| | 1990 | 1991 |
| Total properties seized..... | 35,925 | 35,295 |
| Properties in custody (End of year)..... | 32,900 | 31,091 |
| Forfeited property sold..... | 10,466 | 14,000 |
| Equitable sharing transfers..... | 17,740 | 20,000 |
| | | 25,000 |
| | | 30,000 |

No additional resources are requested for this program. At the current level, resources are sufficient to meet the objectives established for this program.

In drug-related cases, U.S. Marshals seize property when directed by a Federal Court and take custody of all non-evidentiary seized cash and all real and tangible property seized by the FBI, DEA, and INS. Marshals also manage property targeted for forfeiture in judicial forfeiture actions originating with non-Justice investigations, e.g., IRS money laundering investigations and U.S. Postal Service anti-pornography RICO investigations.

Asset forfeiture has become a major weapon in the war on drugs over the last six years. A cornerstone of the President's National Drug Control Strategy is the enforcement of Federal forfeiture laws to disable drug traffickers and to prevent the laundering and concealment of drug money and other illegitimate wealth. Approximately 90 percent of seizures (in terms of value) are drug related; in terms of numbers, two-thirds of seizures are drug-related (most of the remaining seizures are vehicles seized by INS/Border Patrol).

The first goal of asset forfeiture is to punish wrongdoers; the second is to convert criminal wealth to public use. To achieve the first goal, the Government needs only investigative and prosecutive resources; find the criminal's wealth and take it away from him. To achieve the second goal of making forfeiture a reliable and productive source of revenue, the government needs resources to manage and dispose of the assets.

The majority of District offices have at least one person assigned seized-property functions full-time; major Districts have more than one person trained and experienced in asset seizures. The Service's goal is to have full-time, dedicated staff at the local level, eliminating the need to assign personnel to seized property as a collateral duty. The Service, with resources allocated in 1991, laid the foundation for achieving this goal. Currently, at least one person is dedicated to working seized property in 79 of the 94 District offices. For some Districts this completes current staffing needs, for others, it is the initial step in developing of a seizure unit.

Real property is costly to manage, and disposal requires detailed technical knowledge. Of particular concern is the significant increase in real property seizures, which almost doubled between 1988 and 1990 and is expected to double

again by 1993. As of Sept 1991, there were 4,746 real properties in the Marshals Service's custody, worth over \$764 million, 51 percent of the value of all assets in custody.

Real property seizures pose a variety of legal problems which have complicated the management and disposal of a wide range of houses and commercial properties, including: environmental contamination; local and national property use concerns, i.e., historic preservation; title insurance problems; occupancy and eviction issues; problems related to leasehold and crack house seizures; as well as arson and hidden traps set by criminal property owners.

Workload management in the district entails: pre-seizure planning with the investigative agencies and U.S. Attorneys; obtaining title reports; serving in rem warrants; inventory-control, videotaping; acquiring property management services; preparing case files; data input; contract monitoring; administration, and compliance reviews; determining sales methodology and arranging for sale; conducting settlement; accounting for sales proceeds; and closing case files. At the Headquarters level, real estate specialists assist in the development of policy and coordinate with other Department agencies on major initiatives affecting real property seizures and forfeitures.

National aircraft contract coverage is a model management contract. The Marshals Service has two regional aircraft contracts that provide for the transportation, storage, maintenance, and disposal of seized aircraft. Districts make referrals of seized aircraft to the contractors through two regional office personnel who complete all documentation necessary to relocate, maintain and dispose of these assets. Thus two positions are adequate to manage an entire category of property in a cost-effective and efficient manner. What makes this possible is the relatively small number of aircraft (currently there are only 97 in custody). Districts are dealing with over 137 times as many vehicles.

The volume of automobile seizures causes chain-of-custody inventory management problems. The majority of all cars seized by the Department of Justice are seized by the Immigration and Naturalization Service at the U.S./Mexico border in Southern California, Arizona, and Western and Southern Texas. Marshals have contracted for comprehensive packages of contractor services (towing, storage, maintenance, and sales) in order to handle this workload. Throughout the country, similar comprehensive car care contracts are being negotiated.

The volume of seized vehicles in the custody of Marshals will continue to grow as forfeiture laws are expanded, and as Assistant U.S. Attorneys and DEA and FBI agents actively pursue forfeiture pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA).

Equitable sharing transfers to State and local law enforcement agencies, which require processing by Marshals Service personnel, have increased steadily over the past five years, and the Service anticipates executing approximately 30,000 sharing decisions in 1993. The Marshals Service, while not responsible for making decisions on asset sharing, is responsible for liquidating assets and disbursing the proceeds. The agency is under a great deal of pressure to execute the disbursements of forfeited cash and sale proceeds quickly. Also, the Service is asked continually to supply

Information on the status of cases by anxious recipient agencies, and statistics regarding the sharing program by State legislative offices, local law enforcement agencies, the media, and Congressional Offices.

The Marshals Service relies heavily on independent contractors to provide necessary custodial management services. The use of contractors, though, does not absolve each U.S. Marshal from responsibility to ensure that the services requested are appropriate to the value of the property in custody; that invoices are properly reviewed for accuracy; and, both contractors and the Government understand and comply with the terms of the various contracts.

Obtaining services under a contract requires the initiation of service orders by a District. During the life cycle of a real property seizure, for example, a District will issue a minimum of six service orders. With anticipated increases in real property seizures in 1993, the Marshals Service conceivably could be faced with an inventory of 6,000 real properties at any given time, which could result in up to 36,000 service orders for real property alone.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|----------------------|--------------------|-----|---------|-----------|-----|---------|---------------|-----|----------|-------------------|----|---------|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount |
| District of Columbia | | | | | | | | | | | | |
| Superior Court..... | 159 | 152 | \$8,939 | 159 | 152 | \$9,279 | 174 | 156 | \$10,988 | 15 | 4 | \$1,309 |

Long Range Goal: To provide the Superior Court of the District of Columbia services usually performed by a local sheriff.

Major Objectives:

To provide security throughout the four Superior Court Buildings and for the judicial activities conducted there.

To serve process for the Superior Court.

To produce prisoners for the Superior Court.

To refine the organizational structure in order to improve the quality, efficiency, and accountability of services provided to the Superior Court.

Base Program Description: The office of the U.S. Marshal for the Superior Court in the District of Columbia performs functions which are local in nature and are typically performed by a sheriff or similar local official. The Marshals Service supports the Superior Court with activities that are outside Federal jurisdiction in other Districts. These

include such matters as serving warrants for nonpayment of child support and conducting court-ordered evictions. At the same time, though, this office performs services done in all the other districts, including protecting the judiciary, prisoner transportation/detention, and tracking fugitives.

Accomplishments and Workload:

| Item | Estimated | | |
|-------------------------------------|-----------|---------|---------|
| | 1990 | 1991 | 1992 |
| Number of prisoners received..... | 80,800 | 100,117 | 110,000 |
| Number of prisoner productions..... | 180,400 | 205,033 | 205,000 |
| Eviction orders received..... | 21,600 | 21,598 | 20,000 |
| Eviction orders executed..... | 17,000 | 21,006 | 20,000 |
| Process received..... | 10,000 | 10,042 | 10,000 |
| Process served..... | 7,800 | 10,018 | 10,000 |
| | | | 12,000 |

The D.C. Superior Court has 59 judges, 15 commissioners (magistrates), and 13 judges-in-senior-status in 72 courtrooms and hearing rooms, located in four buildings. Next year, D.C. Superior Court will receive four new judges, with an additional three new courtrooms being built to supplement the existing 72. It operates six days a week, including all holidays, and handles a wide variety of judicial cases including: Criminal (felonies, Accelerated Felonies, Traffic Felonies, and U.S. Misdemeanors involving injury); Civil (including major actions above \$2,000); Family (domestic relations, contested divorces, contested custody, etc.); Domestic Relations Trials, and Family Trials; Commissioners (mental health hearings, small claims, U.S. misdemeanors not involving injury, D.C. traffic, preliminary hearings, arraignments, and family hearings); and Special Matters (Chief Judge criminal cases, and landlord/tenant disputes).

Unfortunately, the Nation's Capital still stands at the top of the list of major U.S. cities for murders and other drug-related crimes. The Office of National Drug Control Policy focused national attention on the District's drug plight. Inherently a local issue, drug-related crime in D.C. requires direct Marsha's Service involvement. In April 1989, an "eviction/warrant task force" was formed. At present, one Supervisory Deputy and 20 Deputies are tasked with assisting the D.C. Superior Court with the eviction/warrant process. The results point out the enormous task facing D.C. Superior Court. On average, 60 evictions are executed daily, and the Service is responsible for arresting tenants and other occupants, when warranted, for disorderly conduct, drug offenses or other violations in connection with the eviction notices. The trials of the defendants in these cases, with all their attendant risks, fall on this District's staff.

Staffing shortages can create courtroom delays with judges waiting from three to eight hours for an available Deputy. Few Deputies are available to provide security for deliberating juries, and frequently, only one Deputy is available to provide security for co-defendants and staff. The warrant squad for the District is staffed by eight Deputies scheduled and paid to work from 6:00 a.m. to 2:30 p.m. Frequently, these Deputies abandon warrant activities at 8:30 a.m. to provide a security presence in the courts, working until 5:00 p.m. (on paid overtime). A "Top 15 Most Wanted" has

recently been added by the Marshals Service Superior Court which will initiate additional overtime for the warrant squad. Because Deputies are working 12 to 14 hour days on a regular basis, minimum fit and firearms qualifications are not being conducted.

The current shortage of Deputies limits the level of judicial security the Marshals Service is able to provide to judicial officers. Of the 81 Deputies currently on board, 50 are theoretically available every day to protect 94 judicial officers in 72 courtrooms located in four buildings. In actuality, ten Deputies are assigned to execute warrants, six are assigned to handle prisoner movements, and two are assigned for judicially ordered seizures. A full complement of Deputies is rarely available though, once special assignments, leave (both annual and sick), and emergency situations come into play. Therefore, there are rarely backup Deputies available in the squad room when crises arise in the courtrooms or cellblock. Predictably, such crises average three per week, since on an average day, 400 prisoners are transported from D.C. City Jail lockup to the cellblock, using eight vehicles (three buses and five vans) making numerous trips necessary each day. An additional 100 prisoners are transported to the District's cellblock by D.C. Metropolitan Police (daily arrests).

Marshals Service personnel are required to be in attendance in 31 criminal courts each day, five days a week, including all holidays. Routinely, one Deputy escorts no fewer than five prisoners through the courthouse when moving them from the cellblocks to the courtrooms. On Saturdays, Arraignment Court is in session, which usually involves handling over 100 prisoners. The shortage of personnel has forced the Marshal to assign ten detention officers, ten guards, and five intermittent Deputies to courtrooms just to provide a minimum security presence. The lack of adequate staffing endangers the judiciary, the general public, and Marshals Service personnel.

Program Changes:

| | 1991 Base | | 1992 Estimate | | Increase/Decrease | |
|----------------------|-----------|---------|---------------|--------|-------------------|--------------|
| | Per. | NY | Per. | NY | Per. | NY |
| | FOA | Amount | FOA | Amount | FOA | Amount |
| District of Columbia | | | | | | |
| Superior Court..... | 159 | \$9,279 | 174 | 156 | \$10,598 | 15 4 \$1,309 |

To fulfill the Federal responsibilities to the local judiciary in the special circumstances of the District of Columbia, the Service requests an increase of 15 Deputy positions, 4 workyears, and \$1,309,000 for the D.C. Superior Court program. These resources will allow the Marshals to respond more effectively to the increase in detentions and court appearances, which are expected to grow more than 20 percent above the 1990 level. The District's plight has been the focus of national attention, and its drug/murder activity are crimes requiring direct Marshals Service involvement. Incidental to these activities, major demonstrations which have national/international impact and involve thousands of arrests resulting in court proceedings, occasionally occur in the city and are handled by the U.S. Marshals Service.

A shortage of Deputies limits the level of judicial security the Marshals Service is able to provide to judicial officers and has forced the Marshal to assign ten detention officers, ten guards, and nine intermittent Deputies (all of whom lack the experience necessary to give the maximum protection) to courtrooms just to provide a minimum security

presence. With the authorization of four additional judges and three new courtrooms and the U.S. Attorney's Office request of 112 positions (37 AUSAs) and \$5,981,000 to support District of Columbia Superior Court prosecutions, an even larger workload will be generated for the Marshals Service. Fifteen Deputies are requested to provide full judicial protection in conjunction with Deputies assigned to prisoners while in court.

| | 1992 Appropriation | | | 1992 Base | | | 1991 Estimates | | | Increase/Decrease | | |
|--------------------|--------------------|-----|----------|-----------|-----|----------|----------------|-----|----------|-------------------|------|-----------|
| | Perma. | NY | Amount | Perma. | NY | Amount | Perma. | NY | Amount | Perma. | NY | Amount |
| Service of Process | 182 | 194 | \$12,890 | 182 | 193 | \$13,871 | 171 | 192 | \$12,571 | (11) | (11) | (\$1,300) |

Long-Range Goal: To ensure the integrity of the criminal justice system through the execution of Federal warrants and other orders.

Major Objectives:

To provide for the timely service of process, court orders, and warrants in support of the Federal judiciary.

To ensure the collection of debts owed to the U.S. Government.

Base Program Description: Every year the Marshals Service executes hundreds of thousands of summonses, writs, mandates, and other process for the Federal courts, U.S. Attorneys, private litigants, Federal agencies, foreign governments, and others. Service of Process includes summons and complaints in civil actions, subpoenas in both civil and criminal actions, writs of habeas corpus, writs of execution, and enforcement of major injunctions. This program is also responsible for providing law enforcement assistance in nuclear weapons movement through reimbursable agreements with the Joint Cruise Missile Project Office of the Department of Defense and the U.S. Air Force; and provides specific assistance to State and local law enforcement agencies.

The Anti-Drug Abuse Act of 1988 amended 28 U.S.C. 1921 and provided for the collection of fees and commissions for the personal service of non-government civil process. The amended statute (Sec. 7608 (c), P.L. 100-690) permits the Attorney General to set fees and commissions. Regulations establishing new fees and commissions for the service of process became effective in February 1991. As a result, the Marshals Service has increased receipts in this program from \$1.4 million in 1990 to \$2.4 million for 1991.

Accomplishments and Workload:

| Item | 1990* | | 1991** | | Estimates | |
|----------------------------|---------|---------|---------|---------|-----------|------|
| | 1990* | 1991** | 1991** | 1992 | 1992 | 1992 |
| Court orders received..... | 354,005 | 361,865 | 361,899 | 361,899 | 371,899 | |
| Served by mail..... | 89,789 | 98,220 | 98,220 | 107,443 | 111,253 | |

| Item | 1992* | | 1991** | | Estimates 1991 | |
|---------------------------|--------|----|---------|---------|----------------|---------|
| | Perma. | NY | Perma. | NY | Perma. | NY |
| Served in person..... | | | 231,998 | 242,438 | 253,348 | 258,274 |
| Returned unexecuted..... | | | 50,365 | 51,176 | 51,176 | 53,392 |
| Court orders handled..... | | | 372,152 | 391,426 | 411,965 | 422,919 |

* Figures changed due to final numbers not being available at the time of the 1992 Congressional submission.
 ** Estimates used here because final figures not presently available.

For non-warrant court orders, 65 percent are served in person, 34 percent served by mail and 11 percent are returned to the court unexecuted. What at first may appear to be routine work (i.e., summonses and complaints filed in debt collection cases) may require significant investigation by the deputies executing the process as they try to locate the individuals attempting to avoid service. In light of the recent initiative to aggressively pursue debt collection, the service of process workload will continue to grow. The quantity and complexity of the Marshals Service's workload is determined, in large part, by decisions made by the U.S. Attorneys, investigative agencies, and the courts.

The assistance the Marshals Service provides to the Federal Courts through the execution of court orders is practical and fundamental. By delivering court documents correctly and assuring that the conditions within them are successfully met, the Service ensures that the Federal justice system is able to continue to operate smoothly and efficiently.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|-------------------------|-----------|-----|---------------|-----|-------------------|-----------------------|
| | Perma. | NY | Perma. | NY | Perma. | NY |
| Service of Process..... | 182 | 193 | \$12,871 | 171 | 182 | \$12,571 (11) (1,300) |

The Administration proposes a program reduction of -\$1,300,000, -11 Deputy U.S. Marshal positions, and -11 workyears. These proposed savings are expected to be achieved through improved streamlining and efficiencies, especially through the expanded use of the mail and streamlining administrative procedures connected with serving process.

| | 1992 Appropriation | | 1991 Estimate | | Increase/Decrease | |
|---------------------------------|--------------------|-----|---------------|-----|-------------------|------------------------|
| | Perma. | NY | Perma. | NY | Perma. | NY |
| Field Support and Training..... | 168 | 175 | \$10,903 | 168 | 175 | \$10,789 ... (\$1,000) |

Long Range Goal: To provide the requisite training for all employees and financial management and administrative support at the field office level.

Major Objectives:

To develop and improve the Marshals Service's programs by providing training courses.

To collect and disburse funds in field offices in a timely and efficient manner.

To provide administrative and support services in field offices.

Base Program Description: This program provides financial support and develops, conducts and oversees the training of Marshals Service personnel. Field support responsibilities include prompt payment of debts and collection and deposit of funds due the Government by law or court order. Training responds to ever-increasing demands by the judiciary and law enforcement agencies for courses of instruction to produce a highly competent and professional workforce capable of performing assigned tasks efficiently, effectively and safely.

Accomplishments and Workload:

| Item | Estimates | | |
|--|-----------|---------|---------|
| | 1990 | 1991 | 1992 |
| Check Issuances..... | 368,793 | 376,169 | 413,169 |
| Vouchers Certified at Field Offices..... | 235,827 | 240,544 | 264,544 |
| *Basic Deputy Marshal Training received..... | 269 | 261 | 384 |
| *Advanced Training received..... | 1,402 ** | 1,574 | 1,909 |
| *ADP On-line systems..... | ... | ... | 2,072 |
| *Seized Asset Management System..... | 21 ** | ... | 120 |
| *Administrative Financial Management System..... | 20 ** | 49 | 144 |
| | | | 72 |

* Reflects number of students trained.

** Final numbers were not available at the time the 1992 Congressional submission was prepared.

Training is an essential ingredient in the quality of a law enforcement agency, and the Marshals Service has developed an effective, comprehensive, state-of-the-art training program. A combination of high-tech equipment, dedicated instructors, and priority attention to the training mission makes Marshals Service personnel among the best-trained law enforcement officers in the world. During 1991, the Marshals Service Training Academy trained 1,872 agency personnel and other State and local law enforcement personnel in 76 separate schools and conferences. This represents 39,727 student training days at the Federal Law Enforcement Training Center (FLETC) - maintaining the Marshals Service's position among the top ten agencies using FLETC facilities.

In 1991, there were five Criminal Investigator courses with six follow-on Basic Deputy classes. Specialized advanced training conducted included the following: one Administrative Officer's Conference; three Administrative Financial Management Seminars; one Advanced Witness Security school; six Basic Seized Assets schools; one Contemporary Management Concepts Seminar; eight Court Security Officer Orientation classes; two Detention Officer Training schools; six Electronic Time and Attendance schools; three Firearms Instructor Training Programs; two Instructor Development Programs; four Introduction to Management and Leadership Seminars; four Managing for Success Seminars; four Prisoner Detention schools; three Protective Services Training schools; three State and local Seized Assets Management System schools; three Radio Communications schools; two State and local Court Security Seminars; three State and local Fugitive Investigators Courses; one U.S. Marshals Orientation; and one Witness Security Inspector Basic class. The Training Academy arranged for Marshals Service employees to attend the following Federal Law Enforcement Training Center schools: Criminal Intelligence Analyst Training Program - one school, Basic Instructor Training Program - five schools, and Law Enforcement Spanish Training Program - six schools. The average length of time for each course at the Academy is 16 days. The average cost per course is \$23,984 and the average cost per student is \$1,046.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|---------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount |
| Field support and Training..... | 168 | \$11,789 | 168 | \$10,789 | ... | (\$1,000) |

The Administration requests a program change of -\$1,000,000, due to lower than previously expected Basic Training requirements resulting from turnover.

1992 Appropriation

| | Anticipated | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|-------------------------------|-------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount |
| ADP and Telecommunications... | 32 | \$19,442 | 32 | \$19,589 | 54 | \$25,777 | 22 | \$6,188 |

Long Range Goal: To provide all operational, administrative, and managerial functions of the Marshals Service with modern computer and communications equipment, software, and staff support to improve productivity and personnel safety.

Major Objectives:

- To modernize district automation systems and complete office automation systems at Headquarters.
- To expand the radio and telecommunications systems to strengthen operational law enforcement capabilities.

Base Program Description: The Marshals Service telecommunications systems provide rapid data/voice communicating via telephones, facsimile transceivers, and visual display terminal systems, as well as radios and base stations to support all Marshals Service missions.

The ADP support function is designed to implement and maintain automated systems necessary to support the Marshals Service mission and permit field offices to perform effectively. This is accomplished by systems development and hardware acquisition for all Marshals Service entities.

Accomplishments and Workload:

| Item | Estimates | | |
|--|-----------|-----------|-----------|
| | 1990 | 1991 | 1992 |
| Just and MLTTS teletype messages..... | 1,656,513 | 1,739,339 | 1,811,519 |
| NCIC clears and hits..... | 13,714 | 14,400 | 15,120 |
| Communications Network Installation..... | ... | 12 | 24 |
| Implementation | ... | ... | 54 |
| Offender Based Tracking Systems..... | ... | ... | 94 |
| Training | ... | ... | ... |
| District Systems Administrators..... | 94 | 94 | 140 |
| Warrant Information Network..... | 45 | ... | 120 |
| Seized Assets Mgmt. System..... | 90 | 148 | 188 |
| Offender Based Information System..... | ... | ... | 4 |
| Offender Based Tracking System..... | ... | ... | 188 |
| National Finance Center ETA..... | ... | ... | 94 |
| | ... | ... | 150 |

In mid-1991, the USMS finished installing the Seized Assets Management System (SAMS) in all the NASAP regional offices and 94 District offices. By the end of the year, the USMS made the software conversion from the District Accounting System (DAS) to the new Financial Management System (FMS) and trained at least one person per District to use the new FMS. With funding received in 1991, the Service also started installation of the network at 12 District sites.

During 1991, the Service installed ten repeaters, seven base stations, 68 STU-III secure telephones, 47 STU-III compatible facsimile machines, and 13 new telephone systems. The Service also relocated 16 repeaters and six base stations, and either upgraded, expanded, or relocated the phone systems in 35 offices.

In order to meet the audit concerns and related issues stated by OMB and Congressional oversight bodies, the Department is establishing the Department-wide financial management and asset forfeiture tracking system. The USMS is scheduled to implement these systems in October 1992. In addition, and as part of the overall effort to consolidate financial management, the USMS will convert to the Department-endorsed U.S. Department of Agriculture Payroll/Personnel System.

Within the last two years, the USMS has expanded computer capabilities in all 94 Districts, in both NASAP and WITSEC

regional offices, and in Headquarters and Headquarters support offices. This documented expansion is in compliance with the Automated Information Systems (AIS) Strategic and Tactical Plans annually submitted to the Department of Justice.

Program Changes:

| | 1991 Base | | 1991 Estimate | | Increase/Decrease | | | | |
|---------------------------------|-----------|----|---------------|----|-------------------|----------|----|---|---------|
| | Pos. | MY | Pos. | MY | Pos. | MY | | | |
| ADP and Telecommunications..... | 32 | 29 | \$19,589 | 54 | 35 | \$25,777 | 22 | 6 | \$6,188 |

The Marshals Service requests a net increase of 22 positions, 6 workyears, and \$6,188,000 to fund improvements in the ADP and Telecommunications program. These funds are needed to comply with Federal and Departmental guidelines regarding the safeguarding of sensitive information and the consolidation of systems.

ADP Support

(1) The Marshals Service requests an increase of 12 positions, 3 workyears, and \$63,000 for Computer Systems Administrators to support the ADP effort in the Districts. With the expanding ADP services in the Districts, the ADP support functions have been neglected or secondary, with these duties treated as collateral ones. Implementation of sophisticated systems, office automation functions, and a local area network/gateway to the wide area network, requires systems administrators, if proper support and services are to be attained and maintained.

The local systems administrator position would allow these current collateral duties to be performed by a technically qualified employee, thus, freeing the time now allocated to fulfill this function by clerks or even Deputies. By having a qualified individual in this position, better service, training and support can be attained. With proposed local area network and access to a wide area network, these duties will be greatly expanded to include those of a network administrator, thus making it almost impossible to support this function through collateral duties.

Conversion to Consolidated ADP Systems

(2) The Marshals Service requests an increase of 10 positions, 3 workyears, and \$5,852,000 for the conversion to Department-required ADP systems. This will provide funding for components necessary for the migration to the Financial Management Information System (FMIS).

In an attempt to meet the audit concerns and related issues stated by OHS and Congressional oversight bodies, the Department is establishing the Department-wide financial management tracking system. The USMS is scheduled to implement these systems in October 1992.

An increase of \$1,959,000 is requested for the conversion to FMIS. In preparation for the migration to the FMIS an analysis was made to determine the approximate cost to use the system. Based on the current District Accounting System

(DAS) workload, as stated in the FMS requirements analysis, the Marshals Service processes the equivalent of 12,000 FMS transmissions per day. An increase of \$2,000,000 is requested to purchase central processing unit (CPU) service time at the DOJ data center in Rockville, MD. An additional \$1,500,000 is requested to develop the FMS software and supporting documentation. Ten positions, and \$459,000 are needed to provide training for people in each USMS district.

An increase of \$1,893,000 is requested to continue implementation and support of the ADP and Telecommunication requirements at the Headquarters and District levels. This additional funding would provide for additional and/or replacement of existing communication and application processing equipment, and includes local and wide area networking.

ADP Security Compliance

The U.S. Marshals Service is working to comply with the ADP Security Act of 1987. In order to do this, it will be necessary to make a number of changes in the way we do business in the ADP and telecommunications areas both at Headquarters and in the Districts. The Department of Justice Operations Security Program which is based on the National Operations Security (OPSEC) Program requires that all DOJ components assigned or supporting law enforcement or investigative missions involving classified or sensitive information implement an OPSEC program in their respective organizations. This policy was reaffirmed in DOJ Order 2600 dated February 8, 1991.

An additional \$200,000 is requested for: travel, evaluating and validating security systems in the Districts and regions; inventory control, developing an inventory control system to meet financial information Resource Management Regulations requirements for ADP inventory; information security, consultant study costs to perform vulnerability studies of all Marshals Service systems and hardware, and for data encryption of all data transmitted.

Financial Management System (FMS)

In 1989 the Department released an audit report stating the Service's financial management system was weak and "marginally adequate", due in a large part to the fragmented accounting system being used. It listed such problems as the lack of integration of the accounting system, system vulnerability, inability to capture program costs, and inadequate support for budget projections. In August 1989, the Marshals Service embarked on a long-term project to acquire a more effective financial management system. The first stage of the project, a requirements analysis, was completed in August 1990. The results of that analysis--a definition of the data elements, a requirements analysis, was transaction processes, the contents of internal and external reports, and a listing of the ADP environment necessary to operate the contemplated system--were the basis of USMS's decision to migrate fully to the Department's Financial Management Information System (FMS).

This more effective financial management system is required because the existing systems do not adequately support the management of the organization. The management functions of estimating future financial requirements, allocating available resources, and establishing accountability for the application of funds are currently accomplished through several disjointed, or awkwardly connected systems. Budget estimates, which are stated in terms of programmatic

requirements, are derived from a time reporting system. Financial resources are allocated to the managers of component organizations through a system of transfers between workplan holders, which actually tends to obscure accountability. Meanwhile, cost accounting is performed in a system that combines an on-line accrual facility for Headquarters obligations with a month-end summary, net cash (with a provision for a haphazard estimate of unpaid obligations) for field transactions.

The requested increase of \$831,000 is required to continue USMS's migration to the Department's FMIS. Specifically, this increase will be used to fulfill the objectives for this migration, which include development of a design for interfacing seized and forfeited asset balances into FMIS; providing seized and forfeited asset management systems with actual expense data with case, asset or other identifier related information; implementing a Visa credit card program for small purchases; developing FMIS modifications to the General Ledger, Third Party Payments, Obligations, Travel and Property Modules; analyzing the impact of changes on USMS of FMIS's Distributed Budget Module, and implementing changes as necessary; developing a collections and receivables module; producing USMS FMIS Policies and Procedures Manual; conducting training in the use of the USMS FMIS; and implementing operational use of USMS modules in all districts.

The Administration proposes an offsetting decrease, to meet the targets set by the Budget Enforcement Act, of -\$1,078,000 to be applied against the recurring equipment base.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | | |
|------------------------------------|--------------------|------|-----------|------|---------------|----------|-------------------|------|----------|----|---|-------|
| | Pera. | Fed. | Pera. | Fed. | Pera. | Fed. | Pera. | Fed. | | | | |
| Management and Administration..... | 184 | 189 | \$15,304 | 184 | 188 | \$16,422 | 198 | 192 | \$17,314 | 14 | 4 | \$892 |

Long Range Goal: To plan, develop policies, direct, manage, budget and administer the Marshals Service's enforcement responsibilities.

Major Objectives:

To provide executive leadership and policy guidance to operational and administrative staff for efficient and cost-effective operations.

To ensure a high standard of integrity, loyalty, and conduct among all Marshals Service personnel.

To disseminate information about Marshals Service activities to employees, public officials, other agencies and the public.

To provide efficient and effective personnel management.

To assess personnel and financial resource needs by program, obtain adequate resources and manage them effectively.

To maintain an effective Equal Employment Opportunity Program.

To procure and maintain equipment in support of District and Headquarters requirements.

To improve overall management of and accountability for Marshals Service property.

Base Description: The Marshals Service could not function adequately without its management and support services, all of which directly support the operational mission. This program covers a wide range of activities -- legal guidance and representation, recruitments, procurement, space management, management studies, and financial management. Unfortunately, management support has not kept pace with operational demands.

Accomplishments and Workload

| Item | Estimates | | |
|---|-----------|-----------|-----------|
| | 1990 | 1991 | 1992 |
| Public/congressional information dissemination..... | 2,538,790 | 5,416,641 | 3,500,000 |
| ZEO Complaints Filed..... | 20 | 20 | 20 |
| Minor Office Renovations..... | 270 | 270 | 270 |
| Number of Contracts..... | 142 | 260 | 280 |
| Number of Modifications to Contracts..... | 393 | 372 | 500 |
| Number of Small Purchases..... | 3,300 | 3,500 | 3,600 |
| Special Projects and Studies..... | 66 | 85 | 111 |

* Final numbers for 1990 were not available at the time the 1992 Congressional was prepared.

The Financial Management Systems Staff continues to direct the Marshals Service's migration to the Department of Justice's (DOJ) Financial Management Information System (FMIS). This system will consolidate 93 separate USMS financial databases into one integrated Financial Management System to improve funds control, as well as the timeliness and accuracy of accounting information. A timetable for conversion was worked out with the Department for completion of the migration by 1994. Preliminary design of the Distributed Budget Module was completed in 1991 which involves the Marshals Service workload allocation system. Implementation will follow in 1992. An agreement was reached with the Department to develop applications that will run on a District-based local area network.

In addition, during 1991 the Finance Division of the Marshals Service established two draft payment sites. The first third-party payment site was established in December 1990 at the Marshals Service Training Academy. With third-party payments, the Academy no longer needs to rely on the Marshal in Savannah to issue miscellaneous disbursements on its behalf. A related benefit is the elimination of workplan transfers to the Marshal in Savannah and the management of its

workplan account has thus been enhanced by enabling the Academy to charge its account directly for these payments. The second site was established at the Prisoner Transportation Division at Kansas City, Missouri.

The Finance Division expects to institute an instructional campaign designed to intensify the use of existing PWIS capabilities by Headquarters components, including the development of a reference manual expressly designed to address Marshals Service practices and procedures.

During 1991, the Marshals Service continued its outreach program to colleges and universities through the media and through minority and female law enforcement organizations to attract minority and female Deputy U.S. Marshals. In 1991, the Office of EEO established contact with approximately 10,000 potential Deputy U.S. Marshal candidates. Additionally, EEO training was provided to over 120 management officials. The Cooperative Education Program continues to recruit minorities.

During 1991, the Employment and Compensation Division (formerly Personnel Management Division) continued to provide a full range of personnel services for approximately 3,800 permanent and temporary employees. The Division established a Drug Testing Program staffed with a Drug Program Coordinator for the purpose of complying with the mandatory drug policy for all new Marshals Service applicants. Additionally, personnel have been detailed to assist in the Departmental conversion to the Department of Agriculture Personnel and Payroll System. The Division successfully reclassified over 860 personnel during the Headquarters reorganization at the beginning of 1991. The Division began the reclassification of administrative positions to align position descriptions with current functions and responsibilities.

The Information Resource Management Division (formerly Resource Analysis Division) is responsible for the strategic planning of information resources. It collects a limited cross-section of operational and resource-use data. In accordance with the Marshals Service Management Initiative identified in the 1990 budget submission, a feasibility and requirements study was completed in 1991 for interfacing the USM-7, the Service's biweekly time utilization report, with the National Finance Center's electronic time and attendance program at the district office level. A prototype decision support system using object-oriented programming was expanded to include the Seized Asset Management System. During 1991, the prototype Offender Based Tracking System (OBTB) database was expanded to include prisoner information from all Marshals Service districts. Testing of the data continues to determine the best ways to improve data collection and reporting in order to implement a fully functional OBTB by 1993.

In 1991, the Procurement Division's workload increased substantially. A significant portion of this rise in the workload occurred as a result of the burgeoning Marshals Service Seized Assets Program. In 1990, 13 real property management contracts and 12 contracts for the towing, storage and disposal of seized vehicles were awarded. In 1991, these numbers were 22 real property management contracts and 21 vehicle contracts. Each real property contract is for excess of several million dollars per year. In addition, a nationwide contract for the storage and disposal of jewelry was awarded in 1991 in support of the National Asset Seizure and Forfeiture Program (NASAF). Other recent major contracts included the award of a private jail contract in Leavenworth, Kansas, in 1990 for \$10,000,000. In 1991, the Procurement Division awarded four new contracts for maintenance and inspections of USMS aircraft. The total value of

these four contracts is approximately \$10,000,000. The Procurement Division also awarded an Architectural Engineering contract to design and oversee construction of two Witness Security Safesites. These contracts contain a new provision requiring monitoring of the construction by the ASG firm to ensure compliance with the specifications. The increased volume in the number of contracts awarded, as well as the complexity and high dollar value of these contracts and leases has increased the Procurement Division's workload in administering these contracts.

In addition to these contract awards, Division personnel conducted comprehensive procurement training for U.S. Marshals, Chief Deputy Marshals, Supervisors, Administrative Officers and NASAP personnel. Training requirements for Marshals Service personnel will increase since the procurement authority for the field offices has been increased to \$25,000 for many NASAP-related services. This increase in authority requires more training not only in terms of the number of people trained, but in the complexity of training. Four Small Purchases training classes were given by the Procurement Division to approximately 100 field personnel responsible for conducting procurement actions in the field. This training consumed a large amount of staff effort and time and will continue to do so throughout 1993.

The Administrative Services Division provided a full range of services to Marshals Service field and Headquarters staff in 1991. The Space and Facilities Branch managed 412 facilities nationwide and provided architectural design and construction management services to 180 major construction projects. Completion of the aircraft hangar in Oklahoma City provided a centralized maintenance facility for Marshals Service Air Operations Division. New or enhanced security systems were installed in 130 facilities. Staff acquired 68 secure telephones and 47 secure fax machines (STU III). Major construction projects were completed in: San Diego, CA; Eugene, OR; El Paso, TX; Easton, PA; Abingdon, VA; Oklahoma City, OK; Philadelphia, PA; Minneapolis, MN; and in the District of Columbia Superior Court. New or upgraded telephone systems were installed in 364 facilities. The Branch published a pamphlet entitled "Requirements and Specifications for Special Purpose and Support Space". This publication sets standards for detention type area construction. The Branch also received approval from DOJ to obtain security systems maintenance and installation services from the existing national security contract with Mosler, Inc..

In 1991, the Transportation Branch managed a nationwide fleet of 1,851 vehicles. Mobile radios were acquired for 285 vehicles. The Telecommunications and Technical Support Branch was able to acquire over \$4,000,000 from the Department of Defense, which allowed USMS to purchase 13 base stations, 28 repeaters, 286 mobile and hand-held radios. Additionally, \$1,500,000 of this funding allowed USMS to begin its conversion from Digital Voice Protection (DVP) to Digital Encryption Standard (DES). Radio repeaters and base stations were installed or relocated for better coverage at 33 locations. The Property Management Branch achieved full implementation of the DOJ FMIS Property Management System which includes an inventory of 32,148 items. The Branch coordinated 90 employee relocations and excessed 700 pieces of property. Vehicles sales netted \$270,000, and more than \$650,000 of forfeited property was placed into official use.

The Publications Management Branch acquired Video Show equipment and a Color Copier which links to computers and generates graphics for presentations and training. The Branch also provided Federal Express mail services to replace overnight express mail. This service saved \$3.81 per package.

The Office of Congressional and Public Affairs (OCA) conducts the internal and external communication activities of the Marshals Service, including written and oral communications with members and staff of the Congress, members of the print and electronic media, the general public, and all Districts and divisions of the Marshals Service. OCA expeditiously coordinates all Marshals Service Congressional inquiries; interacts with media representatives and responds promptly to media inquiries; coordinates the Marshals Service Director's public appearances; prepares the Director's testimony for Congressional hearings and speeches to law enforcement agencies and public audiences; and produces a variety of publications for internal and external audiences. Over the past two years, OCA has assumed a number of new duties and responsibilities including: coordination of Marshals Service's participation in the National Sheriff's Association (NSA) and other public events; coordination of Marshals Service conferences and annual Director's Awards Ceremony; and development of presentations for use by the 94 U.S. Marshals.

During 1991, the Legal Counsel staff responded to 322 tort claims, 26 employee claims for property damage, and 54 personnel actions in administrative proceedings and arbitrations; issued 998 legal opinions; processed 874 Freedom of Information and Privacy requests and appeals; processed the paperwork on 144 matters in litigation in Federal Courts; and was involved in 142 contract reviews or related proceedings and responded to 250 ethical inquiries.

The Budget Division is responsible for all budget submissions for the Marshals Service and support of U.S. Prisoners. It also coordinates the submission of the Court Security Appropriation with Administrative Office of the U.S. Courts as well as the Protected Witness Component of Fees and Expenses of Witnesses. The Division also provides budget execution training for Chief Deputies, supervisors and other field personnel.

In 1991, the Budget Division, as part of the first phase of the Service's conversion to the Department's FMIS system, produced a new set of monthly financial reports "Transfer Obligation Tracking System", designed to improve the tracking of workplan expenditures. These reports are currently run on contractor software; however, the Budget Division intends to have these reports on FMIS in 1992. Along with the reports, a handbook, "Transfer and Obligation Tracking System", was produced for Headquarters and District offices explaining the reports and identifying funding responsibilities at the Headquarters and District levels. The Budget Division is working with the Justice Management staff to ensure that the new reports meet the requirements of the Department's Distributed Budget Module. This process will streamline the cumbersome transfer process and improve the Marshals Service financial management information system.

Program Changes:

| | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | | |
|------------------------------------|-----------|-----|----------|---------------|-----|----------|-------------------|----|-------|
| | Pos. | NY | Per. | Pos. | NY | Per. | Pos. | NY | Per. |
| Management and Administration..... | 184 | 188 | \$16,422 | 198 | 192 | \$17,314 | 14 | 4 | \$892 |

For 1992, an increase of 14 support positions, 4 workyears, and \$892,000 is requested.

- (1) An increase of 4 positions, 1 workyear and \$370,000 is required by the Finance Division to accommodate the rapidly increasing workload and remedy the accounting weaknesses cited in the 1989 audit report.

Financial Management Staff: Late in 1989 the Service embarked on a long-term project to acquire a more effective financial management system which conforms with the Core Financial System Requirements Document published by the Joint Financial Management Improvement Project, and correct weaknesses reported in the annual Federal Managers' Financial Integrity Act report for the Service. Having completed the first phase, the requirements analysis in 1990, the USMS decided to adopt the Department's Financial Management Information System as its own system. In 1992 the Service will enter the final phase of this project, with installation and implementation of the system on a pilot basis beginning in the third quarter. Migration to FMIS will eliminate the deficiencies of the current financial management system which combines Headquarters accrual basis accounting with monthly net cash field reporting, making it impossible to produce timely, reliable, comprehensive, and accessible information and projections.

This request includes \$242,000 for 2 accountants to be responsible for training, user assistance and documentation for USMS personnel as the FMIS system is implemented nationwide; two software specialists to provide technical support and system maintenance/updates. Additionally, \$128,000 is included for micrographic equipment, supplies and services to convert the field offices monthly transaction documents to an indexed micrographic format.

- (2) **The Financial Systems Staff:** A new branch will be established requiring 4 positions, 1 workyear, and \$239,000. This staff will be established to accelerate the Marshals Service migration to the Department's Financial Management Information System and in order to comply with the requirements of the Chief Financial Officer Act of 1990 (P.L. 101-576). The staff will consist of four financial management specialists. The financial staff will provide the support required to implement the CFO Act and improve financial management generally by: establishing effective financial management policies and internal controls; ensuring adequate systems to produce useful, reliable and timely financial and related programmatic information; developing useful financial analysis and performance reports; and integrating budget execution and accounting functions.

- (3) **EEO Enhancement:** An increase of 4 positions, 1 workyear, and \$187,000 is requested for the Office of EEO. This request supports enhancements to the Program for the Investigations of Allegations of Discrimination.

The increase in recruiting efforts has resulted in an increase in the number of requests for information. To improve the response rate for the requests and to assist with general administrative work, four support positions are needed. An increase of 4 positions and, 1 workyear totaling \$157,000 is requested.

Enhancements for the investigations of allegations of discrimination are requested. By statute, the Marshals Service and all other Federal agencies are required to decide all EEO complaints within 180 days. EEO investigations should be completed within 30 to 45 days of filing to allow the EEOC to conduct a hearing and the Department to issue a final decision, all within the 180-day time requirement. The Office of EEO anticipates receiving approximately 35 formal complaints in 1993. To complete the investigations within the statutory-time requirements, additional investigators are

needed. The Department of Justice has been criticized by Congress because its bureaus, including the Marshals Service, are unable to investigate EEO complaints in a timely manner. Additionally, the EEO investigators should conduct periodic EEO audits in all Districts to identify problems before they develop into formal EEO complaints.

(4) The Procurement Division requests 2 positions, 1 workyear and \$126,000 for the addition of a Training and Policy/Analysis Branch. Reviews of the procurement function in the Districts and Headquarters field offices have revealed numerous discrepancies and the need to provide training for all personnel involved in procurement activities. As a result, a training module for small purchases was developed and was implemented in 1991. This training will take approximately three to four days per class. This function will continue to grow as the number of district personnel involved in procurement grows and as the types of procurement become more complex. This Branch will also be responsible for visiting the districts to review their procurement processes. Because these personnel will be traveling to provide training and procurement assistance to a variety of different level Marshals Service personnel, it is imperative that they be highly qualified, experienced in contracting, and be expert communicators.

United States Marshals Service
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Protection of the Judicial Process* | | National Prisoner Transportation | | DC Superior Court | | Service of Process | | Field Support and Training | | ADP and Tele-Communications** | | Management & Administration | | Total | |
|--|-------------------------------------|---------|----------------------------------|---------|-------------------|--------|--------------------|---------|----------------------------|---------|-------------------------------|--------|-----------------------------|--------|-------|---------|
| | Pos | Amount | Pos | Amount | Pos | Amount | Pos | Amount | Pos | Amount | Pos | Amount | Pos | Amount | Pos | Amount |
| GB-13 | 6 | \$398 | ... | ... | 13 | \$823 | ... | ... | ... | ... | ... | ... | 10 | \$479 | 29 | 1,360 |
| GB-12 | ... | ... | ... | ... | 2 | 82 | ... | ... | ... | ... | 22 | \$487 | 1 | 41 | 25 | 1,010 |
| GB-11 | 73 | 2,464 | (14) | (6471) | ... | ... | (9) | (\$308) | ... | ... | ... | ... | ... | ... | 51 | 1,709 |
| GB-9 | 4 | 111 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 4 | 111 |
| GB-7 | 2 | 45 | ... | ... | ... | ... | (2) | (48) | ... | ... | ... | ... | 3 | 68 | 4 | 90 |
| Pay Comparability Act | ... | 52 | ... | (6) | ... | 12 | ... | ... | ... | ... | ... | 16 | ... | 5 | ... | 79 |
| Total Positions & Annual Rate | 85 | 2,960 | (14) | (477) | 15 | 717 | (11) | (354) | ... | ... | 22 | \$93 | 14 | \$63 | 113 | 4,390 |
| Lapses (-) | (64) | (2,213) | ... | ... | (11) | (536) | ... | (36) | ... | (16) | (677) | ... | (10) | (444) | (102) | (3,314) |
| Other than FTP | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | (36) |
| Other Personnel Compensation | 6 | 479 | ... | ... | 1 | 74 | (5) | (71) | ... | (479) | 4 | 260 | 1 | 75 | 10 | 442 |
| Total Workyears and Personnel Compensation | 27 | 1,213 | (14) | (477) | 5 | 262 | (14) | (481) | ... | (479) | 10 | 486 | 5 | 224 | 21 | 891 |
| Personnel Benefits | ... | 774 | ... | (210) | ... | 26 | (19) | (19) | ... | (136) | ... | 39 | ... | 25 | ... | 507 |
| Travel | ... | 662 | ... | (341) | ... | 141 | (166) | (166) | ... | (89) | ... | 76 | ... | 91 | ... | 407 |
| Transportation of Things | ... | 39 | ... | (20) | ... | 8 | (6) | (6) | ... | (4) | ... | 11 | ... | 7 | ... | 37 |
| GBA Rent | ... | 291 | ... | (150) | ... | 57 | (45) | (45) | ... | (115) | ... | 84 | ... | 53 | ... | 196 |
| Comm., Util. and Miscellaneous Charges | ... | 122 | ... | (63) | ... | 24 | (18) | (18) | ... | (67) | ... | 35 | ... | 21 | ... | 71 |
| Printing | ... | 8 | ... | (4) | ... | 2 | (1) | (1) | ... | (12) | ... | 2 | ... | ... | ... | (4) |
| Other Services | ... | 1,573 | ... | (3,302) | ... | 265 | (236) | (236) | ... | (73) | ... | 4,403 | ... | 309 | ... | 3,079 |
| Supplies & Materials | ... | 55 | ... | (29) | ... | 12 | (58) | (58) | ... | (26) | ... | 13 | ... | 20 | ... | (9) |
| Equipment | ... | 1,989 | ... | (1,016) | ... | 503 | (273) | (273) | ... | (14) | ... | 1,037 | ... | 142 | ... | 2,487 |
| Total Workyears & Obligations 1985 | 27 | 6,725 | ... | (5,612) | 5 | 1,209 | (14) | (1,300) | ... | (1,000) | 10 | 6,186 | 5 | 892 | 21 | 7,662 |

* Reductions in Protection of the Judicial Process include 14 positions and \$1,760,000 from closure of the Camp Seaview facility, and \$3,662,000 from deferral of planned holding cell renovation and construction until 1986.

** ADP and Telecommunications program changes include a one-time reduction of \$1,079,000 for recurring equipment costs.

United States Marshall Service

Salaries and Expenses

Priority Rating

| Base Program | | Program Change | |
|----------------------------------|--------|----------------------------------|--------|
| Program | Rating | Program | Rating |
| Protection of Judicial Process | 1 | Protection of Judicial Process | 1 |
| National Prisoner Transportation | 2 | Management and Administration | 2 |
| Fugitive Apprehension | 3 | National Prisoner Transportation | 3 |
| Seized Asset Management | 4 | ADP and Telecommunications | 4 |
| Service of Process | 5 | D. C. Superior Court | 5 |
| Field Support and Training | 6 | | |
| ADP and Telecommunications | 7 | | |
| D. C. Superior Court | 8 | | |
| Management and Administration | 9 | | |

United States Marshall Service
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Year 1991 - 1993

| Category | 1991 Authorized | 1992 Anticipated | 1993 Program Increases | Total |
|--|--------------------|---------------------|------------------------------|--------------|
| Attorneys (903)..... | 68 | 68 | ... | 68 |
| Other Legal & Kindred (900-989)..... | 1,075 | 1,075 | 59 | 1,134 |
| Criminal Investigative (1811)..... | 1,510 | 1,638 | 12 | 1,650 |
| U.S. Marshall (902)..... | 47 | 55 | ... | 55 |
| Other Misc. Occupations (001-099)..... | 3 | 3 | ... | 3 |
| Social Sciences, Economics and Kindred (100-199)..... | 36 | 36 | ... | 36 |
| Personal Management (200-299)..... | 459 | 472 | 38 | 510 |
| General Admin., Clerical and Office Services (300-399)..... | 133 | 133 | 2 | 135 |
| Accounting and Budget (500-599)..... | 2 | 2 | ... | 2 |
| Engineering and Architecture Group (800-899)..... | 5 | 5 | ... | 5 |
| Information & Arts Group (1000-1099)..... | 121 | 143 | 2 | 145 |
| Business & Industry Group (1100-1199)..... | 1 | 1 | ... | 1 |
| Equipment, Facilities and Service Group (1600-1699)..... | 3 | 3 | ... | 3 |
| Education Group (1700-1799)..... | ... | ... | ... | 0 |
| Investigators (1800-1899)..... | 9 | 9 | ... | 9 |
| Supply Group (2000-2099)..... | 35 | 35 | ... | 35 |
| Transportation Group (2100-2199)..... | ... | ... | ... | ... |
| Total..... | 3,515 | 3,686 | 113 | 3,799 |
| Washington..... | 321 | 364 | 36 | 400 |
| U.S. Field..... | 3,193 | 3,321 | 77 | 3,343 |
| Foreign Field..... | 1 | 1 | ... | 1 |
| Total..... | 3,515 | 3,686 | 113 | 3,799 |

United States Maritime Service
Sales and Expenses
Schedule of Motor Vehicles

| Method of Acquisition and Type of Vehicle | 1990 | | | 1991 | | | 1992 | | | 1993 | | |
|--|--------------------------|--------------|------------|----------------|--------------|--------------|----------------|------------|------------|----------------|----------|----------|
| | End-of-Year Inventory | Acquired | Disposed | End-of Year | Acquired | Disposed | End-of Year | Acquired | Disposed | End-of Year | Acquired | Disposed |
| Purchased ** | | | | | | | | | | | | |
| Large sedan | 250 | 436 | 146 | 540 | 375 | 435 | 480 | 60 | ... | 540 | ... | |
| Midsize sedan | 31 | 1 | 5 | 27 | 104 | ... | 104 | 130 | ... | 224 | ... | |
| Station wagon/AWD | 23 | ... | ... | 23 | 82 | ... | 109 | 23 | ... | 132 | ... | |
| Van | 3 | ... | 1 | 2 | 2 | ... | 25 | 105 | ... | 130 | ... | |
| Bus | ... | ... | ... | ... | ... | ... | ... | 1 | ... | 3 | ... | |
| Subtotal Purchased | 307 | 437 | 152 | 592 | 563 | 435 | 720 | 319 | ... | 1,029 | ... | |
| Leased | | | | | | | | | | | | |
| Large sedan | 799 | 289 | 558 | 530 | 341 | 405 | 466 | 276 | ... | 517 | ... | |
| Midsize sedan | 32 | 12 | 2 | 42 | 15 | 17 | 40 | ... | ... | 27 | ... | |
| Compact sedan | 63 | 10 | ... | 73 | 10 | 37 | 46 | ... | ... | 21 | ... | |
| Subcompact sedan - | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Station wagon | 94 | 2 | 51 | 45 | 2 | 28 | 19 | ... | ... | 6 | ... | |
| Van | 221 | 70 | 38 | 253 | 75 | 72 | 256 | 70 | ... | 256 | ... | |
| Bus | 9 | ... | ... | 9 | ... | ... | 9 | 1 | ... | 9 | ... | |
| Special Purpose: | | | | | | | | | | | | |
| 4 wheel drive | 51 | 104 | 61 | 94 | 109 | 84 | 119 | 84 | ... | 119 | ... | |
| Pickup Trucks | 3 | ... | ... | 3 | ... | ... | 3 | ... | ... | 2 | ... | |
| Subtotal Leased | 1,272 | 487 | 710 | 1,049 | 552 | 643 | 958 | 431 | ... | 957 | ... | |
| RENTAL & EXCESS | | | | | | | | | | | | |
| Licenses | 6 | 1 | 1 | 6 | 1 | 1 | 6 | 1 | ... | 6 | ... | |
| Large sedan | 42 | 5 | 10 | 37 | 6 | 10 | 32 | 5 | ... | 27 | ... | |
| Midsize sedan | 16 | 20 | 12 | 24 | 20 | 12 | 32 | 20 | ... | 40 | ... | |
| Compact sedan | 36 | 12 | 15 | 33 | 18 | 15 | 30 | 12 | ... | 27 | ... | |
| Station wagon | 5 | 2 | 2 | 5 | 2 | 2 | 5 | 2 | ... | 5 | ... | |
| Van | 14 | 9 | 4 | 19 | 9 | 4 | 24 | 9 | ... | 29 | ... | |
| Ambulance | 1 | 2 | 1 | 2 | 2 | 1 | 3 | 2 | ... | 4 | ... | |
| Bus | 4 | ... | ... | 4 | ... | ... | 4 | ... | ... | 4 | ... | |
| Special Purpose: | | | | | | | | | | | | |
| 4 wheel drive | 40 | 20 | 10 | 50 | 20 | 10 | 60 | 20 | ... | 70 | ... | |
| Other | 4 | ... | ... | 4 | ... | ... | 4 | ... | ... | 4 | ... | |
| Trucks: | | | | | | | | | | | | |
| Pickup | 25 | 10 | 10 | 25 | 10 | 10 | 25 | 10 | ... | 25 | ... | |
| Other | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | 1 | ... | |
| Subtotal Rental and Excess | 194 | 81 | 65 | 210 | 81 | 65 | 226 | 81 | ... | 242 | ... | |
| Total Vehicles | 1,773 | 1,005 | 927 | 1,851 | 1,196 | 1,143 | 1,904 | 831 | 497 | 2,238 | | |

* Corrects erroneous amounts shown in 1991 Congressional.

** Purchases include vehicles obtained by means of lease/purchase agreements

United States Marshall Service

Salaries and Expenses

Schedule of Aircraft

(Dollars in thousands)

| Type of Aircraft (Passenger Capacity) | 1990 End-of- Year Inventory | 1991 | | | 1992 | | | 1993 | | |
|--|-----------------------------------|----------|----------|-------------|----------|----------|-------------|----------|----------|-------------|
| | | Acquired | Disposed | End-of-Year | Acquired | Disposed | End-of-Year | Acquired | Disposed | End-of-Year |
| Purchased: | | | | | | | | | | |
| Jet Engine (120) | ... | ... | ... | ... | ... | ... | ... | 1 | ... | 2 |
| Jet Engine (10) | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Turbo Prop (10) | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Subtotal purchased | ... | ... | ... | ... | ... | ... | ... | 1 | ... | 2 |
| Leased: | | | | | | | | | | |
| Jet Engine (120) | 1 | ... | ... | 1 | ... | ... | 1 | ... | 1 | ... |
| Subtotal leased | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | ... |
| Seized, no cost for- feited, or surplus | | | | | | | | | | |
| Fixed wing: | | | | | | | | | | |
| Single engine (2) | 4 | ... | ... | 4 | ... | ... | 4 | ... | ... | 4 |
| Twin-Engine (6) | 2 | ... | ... | 2 | ... | ... | 2 | ... | ... | 2 |
| Turbo-Prop (8) | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Jet Engine (120) | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | 1 |
| Jet Engine (6) | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | 1 |
| Jet Engine (8) | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | 1 |
| Jet Engine (10) | 5 | ... | ... | 5 | ... | ... | 5 | ... | ... | 5 |
| Jet Engine (0) | 2 | ... | ... | 2 | ... | ... | 2 | ... | ... | ... |
| Subtotal seized | 16 | ... | ... | 16 | ... | 2 | 14 | ... | ... | 14 |
| Total Aircraft | 17 | ... | ... | 17 | ... | 2 | 15 | 1 | ... | 16 |

* 727 Jet had been leased-to-purchase, and is now displayed as purchased rather than as leased.

** 2 Sabreliners were dismantled for parts.

United States Maritime Service
Salaries and Expenses
Summary of Changes
(Dollars in thousands)

| | Perm. Est. | Work- Years | Amount |
|--|---------------|----------------|---------|
| 1992 Appropriation Enacted..... | 3,686 | 3,647 | 313,847 |
| Adjustments to base: | | | |
| Adjustments in permanent positions and workyears..... | | -17 | ... |
| Mandatory increases: | | | |
| 1992 Pay Actualization..... | ... | ... | 1,408 |
| 1993 Pay Rule..... | ... | ... | 6,454 |
| Actualization of 1992 Positions..... | ... | 87 | 7,143 |
| Federal Law Enforcement Pay Reform Act of 1990..... | ... | ... | 1,923 |
| General Pay Reform Act Actualization..... | ... | ... | 179 |
| Special Pay rates..... | ... | ... | 337 |
| Fair Labor Standards Act (FLSA)..... | ... | ... | 9 |
| Accident Compensation..... | ... | ... | 1,014 |
| Unemployment Compensation - Rehabilitation..... | ... | ... | 11 |
| Health Benefits..... | ... | ... | 494 |
| Federal Insurance Corporation Act..... | ... | ... | 60 |
| Foreign Allowances..... | ... | ... | 1 |
| GSA Rent..... | ... | ... | 6,140 |
| Financial Operations and Systems (FOS)..... | ... | ... | 318 |
| GSA Recurring Relatable Service..... | ... | ... | 67 |
| General Pricing Level Adjustments..... | ... | ... | 836 |
| Total, mandatory increases..... | ... | 70 | 24,394 |
| Decreases: | | | |
| One Less Compensable Day..... | ... | ... | (849) |
| Nonrecurring Costs for New Positions Authorized in 1992..... | ... | ... | (5,573) |
| Total decreases..... | ... | ... | (6,422) |
| 1993 Base..... | 3,686 | 3,717 | 333,819 |
| Program Increases..... | 113 | 11 | 7,652 |
| 1993 Request..... | 3,799 | 3,728 | 341,471 |

United States Marshall Service
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

NY Amount

Mandatory Increases:

- | | | |
|---|-----|---------|
| 1. 1992 Pay Annualization..... | ... | \$1,408 |
| This pay annualization represents only first quarter amounts (October through December) of the 1992 proposed 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$971,000 pay and \$437,000 benefits). | | |
| 2. 1993 Pay Raise..... | ... | 6,454 |
| This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$6,454,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$4,841,000 pay and \$1,613,000 benefits = \$6,454,000). | | |
| 3. Annualization of 173 Additional Positions Approved in 1992..... | 87 | 7,143 |
| This provides for the annualization of 173 additional positions approved by Congress for 1992 for Judicial Security, Prisoner Security, Prisoner Transportation, and Seized Assets. | | |

| | | | |
|--------------------------------------|----------------------|----------------------|--|
| | <u>Approved 1992</u> | <u>Annualization</u> | |
| | <u>Increases</u> | <u>Required</u> | |
| Annual salary rate of 173 positions | \$10,108 | ... | |
| Less Lapse (50%) | -5,054 | \$5,054 | |
| Net compensation | 5,054 | 5,054 | |
| Associated employee benefits | 1,500 | 2,082 | |
| Total costs subject to annualization | \$6,554 | \$7,143 | |

| EX | Amount |
|---|---------|
| ... | \$1,923 |
| 4. Federal Law Enforcement Pay Reform Act of 1990..... | |
| The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic pay and benefits provisions, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes only annualization of costs for mandatory items in the Act for the final quarter of the year. The cost of the Act is \$3,893,000; of this amount we are absorbing \$1,970,000 for a net increase of \$1,923,000. | |
| 5. General Pay Reform Act Annualization..... | 179 |
| The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provided for new positions, appropriate benefits, vacancy rates and cost-of-living increases and included the 50 percent absorption shown in 1992 for an increase of \$358,000; of this amount we are absorbing \$179,000 for a net increase of \$179,000. | |
| 6. Special Pay rates..... | 337 |
| This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This request includes only the special rates that went into effect on June 1, 1991. | |
| 7. Fair Labor Standards Act (FLSA)..... | 9 |
| Effective June 2, 1991, the same method used to compute FLSA for FLSA-covered employees who worked regularly scheduled overtime will also be used for those who work irregular and occasional overtime (i.e., paid absences will be counted as time worked). An increase of \$9,000 in employee compensation is required based on the actual increase of what should have been paid. | |
| 8. Accident Compensation..... | 1,014 |
| This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$4,380,263 or \$1,014,000 over the 1992 level. | |

| <u>NY</u> | <u>Amount</u> |
|---|---------------|
| 9. Unemployment Compensation - Redistribution..... This increase reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1993 amount will be \$27,000 or \$11,000 over the 1992 base. | \$11 |
| 10. Health Benefits..... The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$494,000 provides funds for actual increases costs from pay period one to pay period two of 1991 projected for a full year. | 494 |
| 11. Federal Insurance Corporation Act..... Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$60,000 is computed based on the increase in the base rate. | 60 |
| 12. Foreign Allowances..... Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$1,000 provides five percent more than the budget for 1992. | 1 |
| 13. General Services Administration (GSA) Rent..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has adopted an overall 10.43 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$6,140,000 provides for this actual increase over the expected 1992 billing level. | 6,140 |
| 14. Financial Operations and Systems (FOS)..... This request provides for the additional costs in 1993 for FOS and the Department's Financial Management Information System (FMIS) processing charges. Over the past several years, Departmental growth and many government-wide management initiatives have significantly increased support requirements and associated costs for financial operations and systems. The demand for faster processing and expanding needs for management information continue to create higher costs. The FOS must respond to these urgent needs and, as a result, is facing | 318 |

| | <u>MY</u> | <u>Amount</u> |
|---|-----------|---------------|
| a structural operating deficit. Therefore, this amount represents the net of an increase in the overall account and a redistribution of the resources. | | |
| 15. GSA Recurring Reimbursable Services..... | ... | \$47 |
| Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. Increase amounts by organisation vary based on anticipated actual billings. This increase for \$67,000 includes a Departmental redistribution that more accurately spreads the current resources. | | |
| 16. General pricing level adjustments..... | ... | \$36 |
| This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.7 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. The total cost for this increase is \$2,892,000; out of this amount, we are absorbing \$2,056,000 for a net increase of \$836,000. | | |
| Total mandatory increases..... | 87 | 26,394 |
| Decreases: | | |
| 1. One Less Compensable Day..... | ... | -849 |
| The annual salary rate for Federal employees is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organisation's actual law enforcement and non-law enforcement rates. The request includes \$603,000 for pay and \$246,000 for benefits. | | |
| 2. Nonrecurring costs for new positions authorized in 1992 regular appropriation, e.g., back-ground investigations, drug testing, furniture, automobiles, ADP equipment, and firearms... | | |
| 3. PAY reduction for Pay Reform..... | (17) | ... |
| Total Decreases..... | ... | -5,672 |
| Total adjustments to base..... | 70 | 19,972 |

United States Marshall Service
Salaries and expenses
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

| | 1991 Estimate | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|--|----------------------|----------------|----------------------|----------------|----------------------|----------------|----------------------|---------------|
| | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount |
| Grade and salary ranges | | | | | | | | |
| Executive Level V, \$108,300 | 1 | | 1 | | 1 | | | |
| ES-3, \$108,300 | 2 | | 2 | | 2 | | | |
| ES-3, \$104,000 | 3 | | 3 | | 3 | | | |
| ES-3, \$98,600 | | | | | | | | |
| GS/GM 15, \$64,233-83,502 | 141 | | 141 | | 141 | | | |
| GS/GM 14, \$54,607-70,997 | 325 | | 325 | | 325 | | | |
| GS/GM 13, \$46,210-60,070 | 605 | | 605 | | 605 | | | |
| GS-12, \$38,861-50,516 | 1,081 | | 1,081 | | 1,081 | | | |
| GS-11, \$32,423-42,152 | | | | | | | | |
| GS-10, \$29,511-38,362 | | | | | | | | |
| GS-9, \$26,798-34,833 | | | | | | | | |
| GS-8, \$24,263-31,543 | 302 | | 302 | | 302 | | | |
| GS-7, \$21,906-28,486 | 178 | | 178 | | 178 | | | |
| GS-6, \$19,713-25,626 | 488 | | 488 | | 488 | | | |
| GS-5, \$17,686-22,966 | 117 | | 117 | | 117 | | | |
| GS-4, \$15,808-20,551 | 145 | | 145 | | 145 | | | |
| GS-3, \$14,087-18,303 | 26 | | 26 | | 26 | | | |
| Ungraded positions | 15 | | 15 | | 15 | | | |
| 1993 pay increase | 6 | | 6 | | 6 | | | |
| Total, appropriated positions | 3,515 | 124,807 | 3,686 | 127,873 | 3,799 | 130,839 | 113 | 6,454 |
| Pay above stated annual rates | (345) | 506 | (156) | 981 | (168) | 378 | (12) | (603) |
| Lapses | | (10,385) | | (6,035) | | (7,343) | | (1,308) |
| Savings due to lower pay scales for part of year | | (977) | | (971) | | (1,614) | | (643) |
| Net full-time permanent | 3,170 | 113,951 | 3,530 | 121,248 | 3,631 | 131,060 | 101 | 9,612 |
| Other than permanent: | | | | | | | | |
| Part-time permanent | 11 | 402 | 11 | 425 | 11 | 623 | | 198 |
| Temporary employment | 50 | 1,737 | 50 | 1,827 | 47 | 1,823 | (3) | (4) |
| Other part-time and intermittent employment | 70 | 2,612 | 56 | 2,648 | 39 | 2,734 | (17) | 86 |
| Other personnel compensation: | | | | | | | | |
| Overtime | 553 | 19,406 | 578 | 21,729 | 588 | 24,327 | 10 | 2,598 |
| Other compensation | | 5,567 | | 5,750 | | 6,500 | | 750 |
| Total, workyears and personnel compensation | 3,854 | 143,675 | 4,225 | 153,827 | 4,316 | 167,067 | 91 | 13,240 |
| Average ES Salary | | \$101,000 | | \$101,000 | | \$103,633 | | |
| Average GS/GM Salary | | \$34,200 | | \$34,700 | | \$36,900 | | |
| Average GS/GM Grade | | 10.4 | | 10.6 | | 10.9 | | |
| Average Ungraded Salary | | \$21,195 | | \$21,997 | | \$21,997 | | |

United States Marshall Service
Salaries and Expenses
Summary of Requirements by Object and Object Class
(Dollars in thousands)

| Object Class | 1991 Estimate | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|---------------|-----------|---------------|---------|---------------|---------|-------------------|---------|
| | Workyears | Amount | Workyears | Amount | Workyears | Amount | Workyears | Amount |
| 11.1 Full-time permanent..... | 3,170 | \$113,951 | 3,530 | 121,448 | 3,631 | 131,060 | 101 | 9,612 |
| 11.3 Other than full-time permanent..... | 131 | 4,751 | 117 | 4,900 | 97 | 5,180 | (20) | 280 |
| 11.5 Other personnel compensation..... | 553 | 19,406 | 578 | 21,729 | 588 | 24,327 | 10 | 2,598 |
| 11.8 Special personal service payments..... | ... | 5,567 | ... | 5,750 | ... | 6,500 | ... | 750 |
| Total, workyears and personnel compensation..... | 3,854 | 143,675 | 4,225 | 153,827 | 4,316 | 167,067 | 91 | 13,240 |
| 12 Personnel benefits..... | 33,867 | | 38,697 | | 41,900 | | | 3,203 |
| 13 Benefits for former personnel..... | 70 | | 70 | | 70 | | | 0 |
| 21 Travel and transportation of persons..... | 24,751 | | 26,400 | | 28,500 | | | 2,100 |
| 22 Transportation of things..... | 1,179 | | 1,275 | | 1,300 | | | 25 |
| 23.1 GSA rent..... | 23,033 | | 26,800 | | 28,700 | | | 1,900 |
| 23.2 Rental payments to others..... | 1,080 | | 1,065 | | 1,070 | | | 5 |
| 23.3 Communications, utilities and misc. charges..... | 13,100 | | 14,400 | | 15,800 | | | 1,400 |
| 24 Printing and reproduction..... | 502 | | 520 | | 520 | | | 0 |
| 25 Other services..... | 16,761 | | 29,676 | | 27,800 | | | (1,876) |
| 26 Supplies and materials..... | 10,378 | | 11,200 | | 12,200 | | | 1,000 |
| 31 Equipment..... | 13,624 | | 17,476 | | 16,500 | | | (976) |
| 42 Insurance claims and indemnities..... | 44 | | 44 | | 44 | | | 0 |
| Total obligations..... | 282,064 | | 321,450 | | 341,471 | | | 20,021 |
| Unobligated balance start of year..... | (355) | | (7,603) | | ... | | | ... |
| Unobligated balance end of year..... | 7,603 | | ... | | ... | | | ... |
| Unobligated balance expiring..... | 873 | | ... | | ... | | | ... |
| Total requirements..... | 290,185 | | 313,847 | | 341,471 | | | ... |
| Relation of obligations to outlays: | | | | | | | | |
| Total obligations..... | 282,064 | | 321,450 | | 341,471 | | | ... |
| Obligated balance, start-of-year..... | 30,442 | | 49,360 | | 33,136 | | | ... |
| Obligated balance, end-of-year..... | (49,360) | | (33,136) | | (35,898) | | | ... |
| Adjustments in expired accounts..... | 2,247 | | ... | | ... | | | ... |
| Outlays..... | 265,393 | | 337,674 | | 338,709 | | | ... |

Department of Justice
United States Marshall Service
Support of United States Prisoners
Estimate for Fiscal Year 1991

Table of Contents

| | Page Number |
|--|----------------|
| Summary Statement..... | 1 |
| Justification of Proposed Changes in Appropriation Language..... | 2 |
| Crosswalk of 1992 Changes..... | 3 |
| Summary of Requirements..... | 4 |
| Justification of Program and Performance | |
| Care of U.S. Prisoners..... | 5 |
| Cooperative Agreement Program..... | 8 |
| Financial Analysis - Program Changes..... | 13 |
| Priority Ranking..... | 14 |
| Summary of Requirements by Grade and Object Class..... | 15 |

United States Marshals Service
Support of United States Prisoners

Summary Statement

Fiscal Year 1993

For 1993, a total of \$268,481,000 is requested for the support of U. S. Prisoners appropriation. Of this amount, \$261,064,000 will be used to pay for the support, housing and safekeeping of Federal prisoners in Marshals Service custody and up to \$7,417,000 will be made available for the Cooperative Agreement Program (CAP). The major initiatives and resource requests are summarized below.

Care of U.S. Prisoners

This activity is responsible for providing adequate medical care, hospital and detention facility guard services, and housing and subsistence for Federal prisoners in the custody of the Marshals Service. Detention of some 65 percent of unsentenced Federal prisoners in Marshals Service custody is accomplished through the negotiation and administration of approximately 920 Intergovernmental Agreements (IGAs) with State and local detention facilities located throughout the United States. The balance are dispersed in Bureau of Prisons facilities. During 1993, this program will require approximately \$22,699,000 for 4,740,252 jail days at a projected average daily rate of \$48.09; \$20,829,000 for medical care, guards, and associated expenses; and \$7,536,000 to support an additional 60,100 jail days through a private jail initiative in Leavenworth, Kansas.

Cooperative Agreement Program

The Cooperative Agreement Program (CAP) obtains long-term, guaranteed housing for Federal prisoners in State and local detention facilities in or near Federal court cities. At the same time, CAP funds improve the conditions of confinement in these facilities in accordance with national, State and local detention standards. This program also provides for the acquisition of excess Federal property and technical assistance to State and local governments which provide housing for Federal prisoners. For 1993, a total of \$7,417,000 is requested to fund an estimated 7 CAP projects for a total of approximately 250 critically needed guaranteed bedspaces in State and local jails.

Legal Activities
Support of United States Prisoners
Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Support of United States Prisoners

For support of United States prisoners in the custody of the United States Marshals Service and as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, [\$219,125,000] to remain available until expended, of which not to exceed [\$15,000,000] shall be available under the Cooperative Agreement Program. Provided, That, unless a notification as required under section 406 of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds \$50,000 and in addition, any cooperative agreement with a cost per bed space that exceeds \$25,000 must remain in effect no less than 15 years.)

\$268,481,000
 \$ 7,417,000

(18 U.S.C. 4001-4003, 4006-4009, 4013, 4042, 4082, 4085-4086, 4125, 4282-4283, 4285, 5040, 28 U.S.C. 561; Department of Justice and Related Agencies Appropriation Act, 1997; additional authorizing legislation to be proposed.)

Explanation of change

Deletes a one-time restriction of Cooperative Agreement Program funds related to a cooperative agreement under negotiation with the State of Hawaii. No project similar to the Hawaii agreement is expected in 1993.

United States Marshall Service
Support of U. S. Prisoners
Crosswalk of 1992 Changes
(In thousands of dollars)

| | 1992 President's Budget Request | Congressional Appropriation Action on 1992 Request | Approved Reprogramming | 1992 As Enacted |
|---|------------------------------------|---|---------------------------|--------------------|
| 1. Care of U.S. Prisoners..... | \$223,125 | -\$19,000 | ... | \$204,125 |
| 2. Cooperative Agreement Program..... | 5,000 | 10,000 | ... | 15,000 |
| Total..... | 228,125 | - 9,000 | ... | 219,125 |

Congressional Appropriation Action. The Congress increased the Cooperative Agreement Program to provide funding for the Marshall Service's number one CAP project, the State of Hawaii, and decreased the Care of U.S. Prisoners Program request as a result of an available carryover balance.

United States Marshals Service
Support of United States Prisoners
Summary of Requirements
(In thousands of dollars)

| <u>Adjustments to base:</u> | <u>Amount</u> |
|--|-----------------|
| 1992 as enacted..... | \$219,125 |
| Restoration of one-time 1992 reduction due to available carryover balance..... | 15,000 |
| Non-recurring costs for Cooperative Agreement Program..... | <u>(15,000)</u> |
| 1993 base..... | \$219,125 |

235

| | 1991 Enacted | 1991 Actual | 1992 Appropriation Enacted | 1993 Base | 1993 Estimate | Increase/ Decrease |
|--|-----------------|----------------|-------------------------------|--------------|------------------|-----------------------|
| <u>Estimates by budget activity</u> | | | | | | |
| 1. Care of U.S. Prisoners | \$178,031 | \$171,360 | \$204,125 | \$219,125 | \$261,064 | \$41,939 |
| 2. Cooperative Agreement Program..... | <u>15,000</u> | <u>16,807*</u> | <u>15,000</u> | ... | <u>7,417</u> | <u>7,417</u> |
| Total..... | 193,031 | 188,167 | 219,125 | 219,125 | 268,481 | 49,356 |

* An additional \$13,226,000 in reimbursements from the Bureau of Prisons Buildings and Facilities appropriation as authorized by P.L. 101-302 was obligated for CAP in 1991, for a total of \$30,033,000 in CAP obligations in 1991.

United States Marshals Service
Support of United States Prisoners
Justification of Program and Performance
Activity Resource Summary
(in thousands of dollars)

| Activity: Support of U.S. Prisoners | 1992 As Enacted | 1993 Base | 1993 Estimate | Increase/Decrease |
|-------------------------------------|--------------------|-----------|---------------|-------------------|
| Care of U.S. Prisoners..... | \$204,125 | \$219,125 | \$261,064 | \$41,939 |
| Cooperative Agreement Program..... | 15,000 | 7,417 | 7,417 | - |
| Total..... | 219,125 | 219,125 | 268,481 | 49,356 |

This activity is responsible for providing the adequate housing and subsistence of Federal prisoners in U.S. Marshals Service custody and for the Cooperative Agreement Program (CAP) to generate guaranteed housing of Federal Prisoners in compliance with acceptable detention standards.

| Activity: Support of U.S. Prisoners | 1992 As Enacted | 1993 Base | 1993 Estimate | Increase/Decrease |
|-------------------------------------|--------------------|-----------|---------------|-------------------|
| Care of U.S. Prisoners..... | \$204,125 | \$219,125 | \$261,064 | \$41,939 |

Long-Range Goal: To care for Federal prisoners in Marshals Service custody at a level which meets nationally accepted standards for detention or holding facilities.

Major Objectives:

- To obtain adequate and sufficient detention space for prisoners in Marshals Service custody.
- To improve the health care services provided Marshals Service prisoners held in non-federal facilities.
- To ensure that qualified custodial guard services are obtained for prisoners undergoing medical treatment and in special detention centers.
- To negotiate private sector contracts for the housing of minimum security alien material witnesses and their dependents in Marshals Service custody.
- To enter into long-term guaranteed space agreements with State and local governments.
- To enter into formal contracts with the private sector to provide detention services for Marshals Service prisoners in selected locations.

Basic Program Description: The Care of U.S. Prisoners Program is responsible for providing adequate medical care, hospital and detention facility guard services, and housing and subsistence for Federal prisoners in the custody of the Marshals Service. Detention of unsentenced Federal prisoners in Marshals Service custody is accomplished through the negotiation and administration of Intergovernmental Agreements with State and local detention facilities located throughout the United States.

Accomplishments and Workload:

| Item | 1990* | 1991 | 1992 | 1993 Estimate |
|---|-----------|-----------|-----------|------------------|
| Facilities under Intergovernmental | | | | |
| Service Agreement (IGA)..... | 895 | 875 | 895 | 920 |
| Number of Private Jail Days used..... | 0 | 0 | 53,000 | 80,300 |
| Number of IGA Jail Days used..... | 2,962,505 | 3,541,000 | 3,821,000 | 4,740,252 |
| Number of Federal Jail Days used..... | 1,912,445 | 2,400,000 | 2,638,661 | 3,173,313 |
| Total Number of Inmate Days..... | 4,874,950 | 5,941,000 | 6,462,661 | 7,993,865 |
| Average IGA Jail Day Rate | \$42.41 | \$44.32 | \$46.54 | \$49.09** |
| Average Stay Per Prisoner Commitment..... | 35.8 | 36.7 | 37.1 | 37.2 |
| Number of Major Use Jails..... | 240 | 275 | 300 | 350 |

* Final 1990 numbers not available at the time the 1992 Congressional was prepared.

** Corrects erroneous figure in 1993 Budget of the United States.

With the average daily prisoner population increasing by 200 percent from 9,545 in 1984 to 16,168 in 1991, the number of jail days continue to grow. For every 100,000 jail days used it will cost \$3.8 million in 1992. The implementation of the National Drug Control Strategy and the continued aggressive war on drugs will have a continued impact on the increase of the prisoner population. According to the Federal courts, since 1980 the number of drug cases filed has increased by 300 percent, as more and more drug offenders are brought to justice. Accordingly, the number of contract jail days has grown 265 percent at an overall cost increase of \$145,559,488 during that same time frame (1980-1991).

The Administrative Office of the United States Courts (AUSC) reported that criminal case filings rose six percent during 1990 with more than 37 percent of all pending criminal cases involving drug offenses. During the previous two years the rate of growth for criminal case filings was a moderate three percent. Because drug offenses tend to involve many participants, the average number of defendants charged in each drug case was 1.6, while the average nondrug offense was 1.2. Based on the increased prisoner population growth experienced in 1991, the continued impact of Sentencing Reform Act (SRA), the aggressive war on drugs and other drug initiatives, the total number of inmate days is projected to reach 7,993,865 in 1993 up 294 percent from 1984 which was 2,029,648.)

The number of IGA jail days projected for 1993 is 4,740,252 and the number of private jail days is projected to be 80,300. The Marshale Service awarded the first private jail contract to house maximum security federal prisoners in the Kansas City metropolitan area at the end of 1991. The facility will have a maximum capacity of 220 bedspaces. The per diem costs have not been finalized but is estimated to be approximately \$93.85 on the average. Based upon the above, a total estimated cost for the facility, in 1993 will be \$7,536,000. The IGA and BOP projected inmate days for 1993 have been adjusted accordingly to reflect the transfer of USMS prisoners into this facility. As space permits, IGS and BOP may utilize this facility thereby reducing the USMS costs. The private jail facility will be a state-of-the-art jail in full compliance with American Correctional Association (ACA) and American Medical Association (AMA) standards and provide a range of in-house medical services.

The IGA jail day rate increased 4.5 percent from 1990 to 1991 and is projected to continue to increase by approximately five percent in the future. The jail day rate is predicted to grow from \$46.54 in 1992 to \$49.09 in 1993, a 5.5 percent increase. However, this relatively stable jail day rate growth has been more than offset by the rapid expansion in the number of contract jail days required. A major-use jail may suddenly request and justify a rate increase of 30-50 percent, which will have a significant impact on detention costs. In general, per diem rates of \$50 are common, and some of the major-use jails have demanded daily rates of \$80-\$101.

The Support appropriation historically has paid State or local jurisdictions for the per diem cost of housing prisoners who are in the custody of the United States Marshals Service, i.e., generally prisoners awaiting trial or sentencing. These prisoners may also be housed in a Federal facility, generally a Bureau of Prisons (BOP) metropolitan correctional facility. The Bureau of Prisons is not reimbursed from the Support appropriation for providing this service.

In certain complex detention situations, State and local facilities have not been willing or capable of housing dangerous or high profile federal prisoners, particularly narcotic-terrorist groups. The Marshals Service has been forced in these instances to establish temporary detention units staffed by special operations group/deputy marshal personnel.

Several situations which required the Service to develop extraordinary detention arrangements include the detention and trial of Manuel Morelga, in Miami, Florida, and the operation of a special 24 hour detention unit at the Federal courthouse in San Juan, Puerto Rico for high security prisoners who (for their own personal safety) had to be housed separately from Commonwealth and other federal prisoners. Due to a lack of jail space, twenty-four hour cellblock operations have been necessary in such places as Boston and Providence. As a result of the steadily deteriorating jail

* The 220 beds include segregation, medical care, juvenile and female housing units that will not be fully occupied at all times.

space situation in the Northeast, the proliferation of prisoners in the New York City area resulted in a total exhaustion of space in the Northeast region. As a result, the USMS National Prisoner Transportation System (NPTS) was directed to move 101 prisoners from Otisville, New York to available space in Austin, Texas and another such airlift conducted in February, 1991 moved 80 prisoners to Iberia Parish, Louisiana.

These examples demonstrate how the support of U.S. Prisoners appropriation can be used in situations where there is no Bureau of Prisons or State and local facility available and Federal agency personnel must provide the security services and detention facilities that are normally provided by a non-Federal institution.

The continued impact of the Comprehensive Crime Control Act and the Sentencing Reform Act, the aggressive war on drugs, and heavier security measures required by a more dangerous and violent prisoner population continues to extend the average stay. From 1984 to 1993, the length of stay is projected to grow 44 percent (from 26 to 37.3 days). The average length of stay is projected to increase three percent from 35.8 days in 1990 to 36.7 days in 1991. Also, continued significant increases in resources for the Federal investigative agencies, which in turn generate higher prisoner loads, have a direct impact on the Service's need for additional funds for prisoner guards, medical care, and jail bill payments. Lengthier, more complex trials with extensive pretrial production requirements and a resulting increased length of stay in jail per prisoner committed have increased the Service's daily prisoner load dramatically.

Program Change

| | 1993 Base | 1993 Estimate | Increase/Decrease |
|-----------------------------|-----------|---------------|-------------------|
| Care of U.S. Prisoners..... | \$219,125 | \$261,064 | \$41,939 |

A program increase of \$41,939,000 is requested for 1993 for the Care of United States Prisoners Program. This increase will assist the Marshals Service with its responsibility to care for Federal prisoners by providing \$54,328 additional jail days at an average rate of \$49.09 per day.

| | 1992 As Enacted | 1993 Estimate | Increase/Decrease |
|------------------------------------|--------------------|---------------|-------------------|
| Cooperative Agreement Program..... | \$15,000 | \$7,417 | \$7,417 |

Long-Range Goals. To provide funding to selected State and local governments for renovation and construction of detention facilities to obtain guaranteed jail space for Federal prisoners.

Major Objectives:

To encourage State and local governments to house Federal prisoners and to provide conditions of confinement and levels of inmate services which will be in compliance with acceptable detention standards.

To acquire guaranteed detention space in close proximity to the Federal courts in order to reduce the drain on Marshals Service resources for in-district handling and production of prisoners and to provide defendants with adequate access to counsel and to the courts.

To obtain Federal excess property for State and local facilities housing Federal prisoners, thereby improving conditions of confinement.

Basic Program Description: The Cooperative Agreement Program obtains long-term, guaranteed housing for Federal prisoners in State and local detention facilities in or near Federal court cities. At the same time, these funds improve the conditions of confinement in these facilities in accordance with national, State and local detention standards. This program also provides for the acquisition of excess Federal property and technical assistance to State and local governments which provide housing for Federal prisoners.

Accomplishments and Workload:

| Item | 1990 | 1991 | 1992 | 1993 Estimate |
|---|--------|--------|--------|---------------|
| Average Daily Prisoner Population | 13,390 | 16,168 | 18,923 | 21,901 |
| Cooperative Agreements Awarded* | 36 | 37 | 11 | 7 |
| CAP Beds Acquired | 1,345 | 1,248 | 500 | 250 |
| CAP Beds Available | 3,435 | 4,100 | 5,300 | 6,050 |
| Jails Under Court Order | 220 | 240 | 260 | 290 |
| Jails where Federal utilization has been restricted or terminated | 620 | 640 | 660 | 690 |
| Contract Facilities receiving Federal Excess Property..... | 385 | 395 | 400 | 405 |

* Includes funding modifications and awards made using BOP reimbursement funds.

Producing prisoners in accordance with court calendars requires adequate detention space near Federal court cities. The dramatic growth in the average daily prisoner population (200 percent from 5,848 in 1984 to 16,166 in 1991) generated by the Comprehensive Crime Control Act, Sentencing Reform Act, the Organized Crime Drug Enforcement Program, and recent anti-drug initiatives has consumed virtually all the guaranteed bed spaces available (4,100 beds) under the CAP program. Of further concern is the expiration of these low-cost and short-term CAP agreements negotiated in 1992. Of the beds acquired, 401 have expired to date, necessitating that new long-term CAP agreements be negotiated to replace them.

To reassess the extent of the Federal short-term detention space crisis and to develop a plan to accommodate projected prisoner load growth levels for the next five years, the Service updated a national detention space survey of all Federal court cities in March 1989. The U.S. Marshal from each of the 95 districts provided estimated average daily prisoner population levels (for 1989-1995), resultant bed space shortages, assessments of each city's detention situation, and recommended solutions to the bed space shortages.

It is also significant to note that the number of prisoners requiring detention space in Federal court cities in emergency detention status is expected to increase 79 percent from 1989 to 1995. Since the initial detention space survey was conducted, the Sentencing Reform Act (SRA) has been implemented and upheld by the Supreme Court. The adverse impact of SRA on the already critical jail space shortage has increased the Marshals Service daily prisoner population approximately 20 percent, and increased the average stay for prisoners held prior to sentencing by a minimum of 18 days.

To address the critical detention space crisis, the Attorney General established the Detention Planning Committee composed of representatives of BOP, INS and the USMS. Through the coordinated efforts of BOP and the USMS the first Federal Detention Plan was developed to solve the increasing Federal detention crisis. The Plan addresses the detention needs by Federal court city and proposes solutions to the severe detention crisis through increased CAP funding and expanded BOP construction. While the Plan serves as an important first step towards solving the detention crisis, adequate funding for the CAP Program must be made available in order for it to be effective in solving the detention crisis. This plan will be updated during 1992.

In critical Federal court cities where CAP funding is not a viable alternative, BOP construction or expansion to existing facilities is essential. BOP has received funding for an additional 6,887 detention beds at eight Federal detention centers (including Oakdale I and II) and 12 detention units at existing BOP facilities. Upon completion of these facilities, BOP will provide a total detention capacity of 10,425 beds to the USMS, which represents only 25 percent of the total projected USMS detention needs in 1996. In addition to these beds, BOP is requesting 1992 funds to construct an additional 1,250 beds in two more detention centers in Philadelphia, Pennsylvania and Houston, Texas.

For 1993, the Marshals Service has identified the following locations as critical detention areas and has requested BOP to provide detention facilities through the construction of new Federal Detention Centers:

1. Middle District of Florida - 500 bed Federal Correctional Center.

Since 1985, the prisoner population in this district has more than tripled (from 148 in 1985 to 445 in 1990). The rapid increase in the Marshals Service prisoner load in this area has made it virtually impossible for the local jails to accommodate detention requirements. The only resolution to this critical problem is the construction of a BOP Federal Correctional Center to support the Federal court cities.

2. Sacramento, California - 500 bed Regional Jail at California Complex.

The regional jail for this area will help relieve the Federal Correctional Institute at Sheridan in Oregon. Currently Sheridan must take the overflow of prisoners from this area when local jail space is exhausted.

When these facilities are activated, they will provide 1,000 additional beds in Federal court cities in desperate need of jail space. In 1991, the Bureau of Prisons has requested funds for the acquisition of these sites. The postponement of either of these BOP projects will adversely affect the Marshals Service detention requirements and significantly increase the amount of funds required for the Care of Prisoners Appropriation.

Because of local governments' reluctance or inability to fund all locally required jail expansion projects, the CAP program (even if adequately funded) will be able to address only a small portion of the Federal detention needs. BOP detention construction is often the best solution for an area's detention space shortage. Privatization is still a new initiative which may serve only to provide a stop gap source of detention space in order to allow time for BOP to identify, acquire, and construct additional detention facilities.

Since its implementation in late 1982, CAP, even though limited by budgetary constraints, has met with very positive support from state and local governments. The most significant accomplishment is the stabilization of the loss of contract jail space for Federal prisoners. However, gains from the CAP Program have been overwhelmed by the dramatic growth in the average daily prisoner population. As a result, from 1980 to 1991, the number of facilities which restricted or terminated detention space increased 611 percent (from 90 to 640).

With more dangerous Federal prisoners being held by local jails in remote areas, the need for added security was met, in part, by the Marshals Service's use of the Federal Excess Property Program. Through special authorization obtained from the Department of Justice, surplus security equipment (walk-through and x-ray metal detectors) was furnished to 34 contract jails (22 major-use), enhancing the ability of those jails to handle dangerous offenders.

| <u>Program Change</u> | <u>1991 Base</u> | <u>1992 Estimate</u> | <u>Increase/Decrease</u> |
|-----------------------|------------------|----------------------|--------------------------|
| Cooperative Agreement | | | |
| Program..... | ... | \$7,417 | \$7,417 |

The \$7,417,000 request for the Cooperative Agreement Program will enable the Service to obtain 250 critically needed guaranteed bed spaces in local jails for its expanding prisoner population. The CAP agreements would involve cooperative construction to provide long-term guaranteed detention space for Federal prisoners. Without the availability of the CAP Program, the Service will face severe bedspace shortages for years to come and potential disruption of Federal court schedules in those court cities with severe bedspace shortages.

United States Marshals Service
Support of United States Prisoners
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Care of Prisoners | Cooperative Agreement Program | Total |
|--|-------------------|-------------------------------|---------|
| Other personnel compensation..... | \$181 | .. | \$181 |
| Total personnel compensation..... | 181 | .. | 181 |
| Personal benefits..... | 3 | .. | 3 |
| Other services..... | 41,766 | .. | 41,766 |
| Grants, subsidies and contributions..... | .. | 97,417 | 97,417 |
| Total obligations, 1993..... | 41,950 | 97,417 | 139,367 |

United States Marshall Service
 Support of United States Prisoners
 Priority Ranking

| Base Program | |
|------------------------|---------|
| Program | Ranking |
| Care of U.S. Prisoners | 1 |

| Program Increase | |
|-------------------------------|---------|
| Program | Ranking |
| Care of U.S. Prisoners | 1 |
| Cooperative Agreement Program | 2 |

United States Maritime Service
Support of United States Prisoners
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Object Class | 1981 Actual Workings Amount | 1982 Estimate Workings Amount | 1983 Revised Workings Amount | Increase/Decrease Workings Amount |
|--|--------------------------------|----------------------------------|---------------------------------|--------------------------------------|
| 11.0 Special personal service payments..... | ... | ... | ... | ... |
| 12.0 Personnel benefits..... | 63,364 | 63,630 | 63,801 | 8181 |
| 25.0 Other services..... | 80 | 80 | 80 | 3 |
| 26.0 Supplies and materials..... | 187,911 | 214,087 | 237,180 | 42,466 |
| 28.0 Equipment..... | 2 | ... | ... | 0 |
| 31.0 Grants, subsidies, and contributions..... | 19,207 | 18,048 | 7,417 | ... |
| 41.0 Grants, subsidies, and contributions..... | ... | ... | ... | ... |
| Total obligations..... | 186,167 | 233,436 | 268,481 | 36,045 |
| Unobligated balance, start-of-year..... | (9,446) | (14,311) | ... | ... |
| Unobligated balance, end-of-year..... | 14,311 | ... | ... | ... |
| Total requirements..... | 186,031 | 219,125 | 268,481 | ... |
| Revelation of obligations to outlays | | | | |
| Total obligations..... | 186,167 | 233,436 | 268,481 | ... |
| Obligated balance start of year..... | 48,760 | 66,966 | 110,097 | ... |
| Obligated balance end of year..... | (66,966) | (110,097) | (131,800) | ... |
| Adjustments to expired accounts..... | ... | ... | ... | ... |
| Outlays..... | 177,831 | 179,325 | 246,918 | ... |

* Correctly reflects obligations under "Other services" that were erroneously shown under "Grants, subsidies, and contributions" in the 1983 Budget of the United States.

BEST COPY AVAILABLE

INTRODUCTION

Mr. EARLY. The Committee welcomes the Acting Director of the Marshals Service, Henry E. Hudson. Mr. Hudson, we will place your biography and written testimony in the record, and ask that you proceed with your statement in any manner you would like.

GENERAL STATEMENT

Mr. HUDSON. Thank you, Mr. Chairman and members of the Subcommittee. It is a pleasure to be here this afternoon, sir. As I am sure you detected from looking at our budget, it is really a rather lean one in the context of the continually expanding mission of the United States Marshals Service.

I note that, overall, we are asking for an eight-percent increase, with approximately two percent for new programs and initiatives.

As this Committee is well aware, the Judiciary has enlarged substantially over the last few years. As a result, our mission has expanded substantially. We are increasingly involved in high-risk security at trials, such as the Gotti trial in New York and Manuel Noriega trial in Miami.

Last year, we were responsible for approximately 100,000 prisoners who were placed in our custody. On any given day, Mr. Chairman, we have over 19,000 prisoners in our charge. We moved 45,000 prisoners last year by air, by bus, and by car. We arrested 26,000 fugitives, and I might note that of those, 16,500 were felons. The combined arrest figure for all other Federal law enforcement agencies, all other agencies, was equivalent to that.

We maintained approximately 35,000 items of seized assets, having a value of approximately \$1 billion, and so far this year, we have seized over 7,000 properties having a value of approximately \$170 million. So, as you can see, Mr. Chairman, our responsibilities have increased exponentially in the last few years.

As you mentioned, Mr. Chairman, we are seeking 113 additional positions this year, \$341.5 million for Salaries and Expenses, \$268.5 million for Support of United States Prisoners. Our positions will include 13 deputy marshals and 6 criminal investigators for judicial security, 58 deputy marshals for prisoner security, eight to conduct background checks on personnel, 2 to comply with the recommendations of audits on our National Prisoner Transportation System, 15 to bolster our contingent of deputy U.S. marshals on the Superior Court side of the District of Columbia.

I recall in looking over the transcript of last year's hearing, Mr. Chairman, you were concerned about one deputy marshal having custody of 10 prisoners, and, hopefully, the infusion of 15 additional deputies will prevent that happening in the future.

Twenty-two more positions are for automated data processing and 14 positions for administration and management, particularly earmarked to improve our migration onto the Financial Management Information System.

On the other side of the ledger, we are seeking a decrease of 14 positions through the elimination of our Special Operations Group at Camp Beauregard and 11 positions for the Service of Process program. It is our view that given changes in the law, process can be just as efficiently served by mail.

The net effect would be, on the operations side, an increase of \$7.7 million and, for the Support of U.S. Prisoners, an increase of \$49.4 million.

As I mentioned, Mr. Chairman, I think this is a relatively lean budget. However, it will give us the resources necessary to perform our mission, and I think, play a major role in the Attorney General's crime-fighting strategy.

Thank you, sir.

[The biographical sketch and prepared statement of Mr. Hudson follow:]

**Henry E. Hudson
Acting Director
United States Marshals Service**

Biographical Outline

Henry E. Hudson was nominated by President George Bush for the position of Director of the United States Marshals Service in December 1991. He is serving as Acting Director until his confirmation by the United States Senate.

Mr. Hudson was born on July 24, 1947, in Washington D.C. He received a B.A. degree from the School of International Service, American University, in 1969, and a Juris Doctor degree in 1974 from American University Law School.

Mr. Hudson's career has been focused on the justice system at both the local and Federal levels of government. Between 1969 and 1980, he served as a deputy sheriff, Deputy Clerk of the Circuit Court, and Assistant Commonwealth's Attorney in Arlington County, Virginia, and as Assistant United States Attorney for the Eastern District of Virginia. He was elected to the office of Commonwealth's Attorney for Arlington County, Virginia, in 1980 and served in that post for six years.

In 1986, Mr. Hudson was appointed the U.S. Attorney for the Eastern District of Virginia, where he served until June 1991. He was in private practice of law at the time of his nomination as Director of the Marshals Service.

Hudson is a member of the Virginia Bar and numerous other professional legal associations. He is also admitted to practice before the United States Court of Claims, the Supreme Court of Virginia, and the Supreme Court of the United States.

An active member of his Northern Virginia community, Hudson has been involved in many local activities. Among his community service positions, he has served in a volunteer fire department, as a special deputy sheriff, and on several committees or boards that addressed issues of criminal justice or substance abuse.

Hudson and his wife Tara have one son and reside in Northern Virginia.

DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE

STATEMENT OF THE DIRECTOR
HENRY E. HUDSON

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today in support of the 1993 request for the United States Marshals Service. For 1993, we are requesting a total of 3,799 positions and \$341.5 million for the Salaries and Expenses appropriation, and \$268.5 million for the Support of United States Prisoners appropriation.

The Marshals Service's request for its operating account is 113 positions and \$27.6 million above the 1992 appropriation, including net program changes totaling 113 positions and \$7.7 million. For the Support of U.S. Prisoners, the request is \$49.4 million above the 1992 appropriation, including \$7.4 million for the Cooperative Agreement Program (CAP).

As you know, Marshals Service responsibilities affect directly both the Executive and the Judicial branches. The needs of our clients -- judges, witnesses, attorneys, investigative agencies and the prisoners themselves, determine our workload. Our response to these needs affects both the quality and substance of justice served. Whether maintaining a secure and open court environment, fulfilling a prisoner's right to due process, or capturing a fugitive, the Marshals Service protects basic Constitutional rights.

The fact that all of the participants in the administration of justice continue to heighten their efforts to combat violent crime and terrorist activities as well as to expand anti-drug initiatives requires that we respond in kind by providing enhanced security throughout the criminal and civil justice systems. Our objective is to prevent disruptive violence rather than to react to dangerous incidents.

Today, we face formidable challenges caused by both continuing and newly emphasized situations: the jail-space crisis; the need to reclaim the streets from the violent criminals; and the on-going efforts associated with the war on drugs. By responding to these challenges with an all-out effort to meet our responsibilities, the Marshals Service will fulfill its role and protect Constitutional guarantees. With this in mind, I would like to highlight the Marshals Service's 1993 resource requirements.

Protection of the Judicial Process

Preserving the safety and integrity of the judicial process remains the Marshals Service's highest priority. For 1993, an additional 85 positions and \$6.7 million are requested including: 27 positions and \$2 million for Judicial Security, and 58 positions and \$4.7 million for Prisoner Security to support this effort. These increases will be offset by proposed reductions of 14 positions and \$1,750,000 resulting from the closure of the Service's tactical/training facility at Camp Beauregard,

Louisiana, and \$3,862,000 to be achieved by deferment of some holding cell projects until 1994. These program changes will result in a net increase of 71 positions and \$1.1 million to meet increased requirements for security involving participants in the judicial process.

Judicial Security

Recent substantial increases to the staffs of the DEA, FBI, and U.S. Attorneys will be reflected in additional workload facing the Marshals Service in 1993. As the incumbents of these new positions become involved in locating, apprehending, indicting and prosecuting violent criminals, drug traffickers, and terrorists, the workload of the Marshals Service will increase proportionately.

The unusual has become routine. Prolonged, multiple-defendant trials occur in every district, but many Marshals Service offices lack the capacity to address extraordinary security requirements.

High security trials require an in-depth security analysis of the court and detention facilities to ensure the privacy and integrity of the proceedings. World-wide media attention often necessitates elaborate security measures for the handling of documents and protected witnesses.

The positions and funding sought for this program will be devoted to improved security -- including courtroom security and protective service details -- for high profile trials anticipated in 1993.

Prisoner Security

On any given day last year, the prisoner population in Marshals Service custody exceeded 16,000; in 1993, that figure is expected to be nearly 22,000, or an increase of 38 percent. Additionally, the effects of sentencing reform have increased the time an individual is in Marshals Service custody. As a result, the average daily custody count continues to increase. Similarly, it is expected that productions of prisoners for court appearances and elsewhere will approach 610,000 in 1993, a 27-percent increase over the 1991 level.

It is not just the sheer numbers, but the changing nature of defendants that is cause for alarm. Every pre-trial hearing for people like Walter Moody (the convicted murderer of Judge Vance) is a media event -- and a complex security operation.

In contrast to the intense security provided one defendant, we have the other extreme -- multiple-defendant proceedings. Examples include the El Rukns in Chicago and other violent street gangs. Security must be planned around the likelihood that they possess sophisticated weaponry and explosive devices.

Added to the security problems already cited is the fact that these cases are often being heard in courthouses that are at least a generation old, buildings never designed for today's stringent security requirements. In such courthouses throughout the country, a heavy price is exacted simply to provide the type of environment necessary to ensure justice. For 1993, an

additional 28 positions and \$2.3 million are needed to address these prisoner security demands.

Making prisoners available for proceedings and finding suitable detention space for them while they are in our custody are also issues related to the proper functioning of the judicial process. They are, however, issues which are increasingly beyond our control.

The prisoner population and production statistics reveal only half the story. Full costs emerge when you examine how deputies must travel increasingly greater distances to find suitable, available jail space, simply to serve a growing number of prisoners and an ever-expanding criminal docket.

Many deputies begin each day early in the morning and end late at night transporting prisoners from jail to court and back. The resource drain is two-fold, affecting both the Marshals Service and the Support of U.S. Prisoners appropriations.

For 1993, an increase of 30 positions and \$2.4 million is needed to ensure that prisoners are produced in accordance with court calendars. These added resources will provide the operational support necessary to keep up with the increasing prisoner production workload and ensure safe prisoner movement within each district.

National Prisoner Transportation

Prisoner transportation requirements must be considered in tandem with security responsibilities. Long-distance prisoner

moves are done via the National Prisoner Transportation System (NPTS), which includes large aircraft and a supporting system of buses, vans, and small planes. This program is called upon with increasing frequency to relieve conditions brought on by the jail-space crisis in the Northeast and other cities.

A modest increase of 2 positions and \$450,000 is requested to meet aircraft security requirements identified in an audit of NPTS and to fund the continuation of a Department of Transportation study of NPTS operations. This study will provide an analysis of current NPTS operations and requirements and will be used as a blueprint for future NPTS decisions in both operational and managerial areas.

D. C. Superior Court

The Marshals Service performs unique services for the District of Columbia. The United States Marshal for D.C. Superior Court acts as "sheriff" for the Nation's Capital. In that capacity, the Marshal and his deputies must respond to situations confronting many metropolitan law officers, as well as the traditional duties required throughout the Marshals Service.

In 1993, an increase of 15 positions and \$1.3 million is requested to provide full judicial protection to the D.C. Superior Court.

Service of Process

In this program area, the Administration proposes a reduction of 11 positions and \$1.3 million. These savings are expected to be achieved through higher levels of administrative efficiencies, particularly through the expanded use of the mail for serving process.

Field Support and Training

This is another program in which the Administration proposes a reduction to meet the requirements of the Budget Enforcement Act. A savings of \$1 million is anticipated because of lower than previously expected Basic Training requirements resulting from reduced turnover of personnel.

Support Services

Operational needs have outpaced logistical support to such an extent that substantial improvements must be made in basic management/support areas if the Service is to maintain successful program operations. Over the year substantial increases in Deputies and Criminal Investigators have been received without comparable increases in support staff. While significant ADP achievements have been made, major improvements must still be addressed. Also, we need to improve our financial management system.

For 1993, an increase of 36 positions and \$7.1 million is sought for improvements in ADP support areas. Of this amount 12

positions and \$663,000 will be used to provide Computer Systems Administrators to support the ADP effort in the Districts; 10 positions and \$5.9 million will be used for the conversion to Department-required ADP systems; \$200,000 will be used to achieve ADP security compliance; \$551,000 to continue the Service's migration to the Department's Financial Management Information System. A decrease of \$1,078,000 to meet the targets set by the Budget Enforcement Act are requested. These will be applied against the recurring ADP equipment base.

Finally, increases of 14 positions and \$892,000 are requested for management support activities. These include 4 positions and \$370,000 needed by the Finance Division to address the rapidly increasing workload and remedy accounting weaknesses; 4 positions and \$239,000 to establish a Financial Systems Staff which will assist in accelerating the Marshals Service migration to the Department's Financial Management Information System in order to comply with the requirements of the Chief Financial Officer Act of 1990; 4 positions and \$157,000 for the Office of EEO to improve the response time in handling EEO complaints; and 2 positions and \$126,000 for the Procurement to provide training for all personnel involved in procurement activities.

SUPPORT OF U.S. PRISONERS APPROPRIATION

In addition to the transportation and detention requirements borne by the Marshals Service appropriation, the growth in the prisoner population and their length of stay place increased

demands on the Support of U.S. Prisoners appropriation. By 1993, some 4.7 million "jail-days" will be consumed in State and local facilities, 34 percent higher than the 1991 level. The daily rate will be \$49.09 a day/per prisoner, some \$4.77 above the 1991 rate. Total costs associated with the care and housing of these prisoners will total \$261.1 million of the \$268.5 million requested for this appropriation in 1993.

The remaining \$7.4 million are sought for Cooperative Agreement Program (CAP) projects. These funds will allow the Service to obtain 250 critically needed guaranteed bed spaces in local jails for the expanding prisoner population.

Summary

In summary, from its vantage point in the criminal justice system, the Marshals Service sees first-hand how the system is responding to violent criminals, the war on drugs, and other crises. This testimony notes those areas that must be strengthened -- within the Marshals Service and elsewhere -- if the framework of justice is to withstand the tests. With the resources cited in this request, I am confident we can fulfill our responsibilities in this effort and support all others who depend on us throughout the process.

This concludes my statement, Mr. Chairman. I will be pleased to answer any questions the Subcommittee may have.

PRISONER TRANSPORTATION AND DETENTION

Mr. EARLY. Well, I want to welcome you, Mr. Hudson. This is your first appearance before the Committee.

Mr. HUDSON. Yes, Sir.

Mr. EARLY. This Committee has always been supportive of the Marshals Office. Personally, I always look at the Justice Department, and I see the Marshals Office as more of the work horse versus the show horse in Justice. Your office has so much responsibility, and it is responsibility that is not well known to the public, but it is probably the most important.

I have serious problems with your recommendation to close Camp Beauregard, which we will get to later. Would it be safe to say your single biggest problem is a lack of detention space for unsentenced Federal prisoners?

Mr. HUDSON. I would say that probably is the major crisis we face, Mr. Chairman. We are seeking every innovative way possible to try to cure that. I am personally visiting several of those sites, attempting to locate jails where we can initiate Cooperative Agreement Program (CAP) projects and, where we can have new contracts for jail space. We are using everything in our arsenal, Mr. Chairman, to combat that problem.

Mr. EARLY. In Massachusetts, you are holding Federal prisoners in Danbury, Connecticut, which is a three hour ride away. You have to get them up every morning and then take them back. It certainly is an expensive proposition, and the Federal judges in my area are very upset with that. They foresee cases that they will discharge rather than pursue if we cannot better accommodate this particular situation.

Are there certain sections of the country whose detention problems are worse than others?

Mr. HUDSON. In my view, Mr. Chairman, right now we are reaching the crisis level in the Eastern and Southern Districts of New York, Miami, Hawaii, and in the Los Angeles area.

Right now, Mr. Chairman, we, at times, are required to shuttle prisoners from New York all the way to Texas because I cannot, right now, locate any additional jail space in the city of New York. But, you have my word that we are working intensely on trying to cure that.

Mr. EARLY. As we get farther on in this hearing, Mr. Hudson, I want to talk to you about your movement of prisoners by plane. We have had problems with that.

Mr. HUDSON. Yes, Sir.

Mr. EARLY. So what are the specific things you are doing to correct those problem areas?

Mr. HUDSON. In each of those areas, we are exploring Cooperative Agreement Projects with the local sheriffs' offices. Both in New York and Miami, the Bureau of Prisons is in the process of constructing facilities. In the interim, we are entering into contracts with local jails for housing prisoners and, as I mentioned, attempting to find as many guaranteed bed spaces through the CAP program as we possibly can.

Mr. EARLY. The local police are now having as many problems as we are on the Federal level, as far as overcrowding.

Mr. HUDSON. That is correct.

Mr. EARLY. I don't really look to the use of local detection facilities to be a solution in all areas.

Can more be done to reduce your detention space problem by utilizing alternatives to correction, such as home confinement?

Mr. HUDSON. In appropriate cases. However, home confinement options would fall under the jurisdiction of the U.S. Courts and U.S. Probation Office.

AIRCRAFT

Mr. EARLY. Now as to aircraft. The schedule of aircraft on page 58 of your justifications indicates that the service will have 16 aircraft in its inventory by the end of 1993. Is that accurate?

Mr. HUDSON. Yes, sir.

Mr. EARLY. In a 1992 reprogramming, the Service cited problems associated with maintaining an aging aircraft fleet. How well suited are these aircraft for performing the mission's requirement?

First of all, give us a brief description of the mission, how often aircraft are used, et cetera, et cetera.

Mr. HUDSON. Mr. Chairman, we have at least three aircraft in the air almost five days a week, and we probably transport about 2,000 prisoners. Our two main aircraft are Boeing 727's. They are used to transport prisoners from various places in the United States to hubs that can be linked with buses for transportation to Federal correctional facilities.

I might add each of those two aircraft are over 20 years old each. There are maintenance problems. With the amount of wear and tear we put on the airplanes, Mr. Chairman, they are deteriorating, but they are still operable.

The balance of our fleet is composed of propeller, and smaller jet aircraft that can accommodate anywhere from two or three to 15 people. Those are used for special transportation, such as when we have to transport either a prisoner who is a high security risk, or a prisoner whom a court requires on very, very short notice.

Those aircraft are in good shape, but they are not capable of long hauls across the United States, nor intercontinental transoceanic types of missions that, from time to time, we are called upon to provide.

Mr. EARLY. For the record, I want you to provide the age of each aircraft in the current inventory, and identify any problems associated with their operation and what is being done to keep them in flight status.

[The information follows:]

Inventory of Marshals Service Aircraft

1. Boeing 727
100 Series
N2777
 - A. Both manufactured in 1966
 - B. Problems associated with operations of each
 1. Engine hush kit required by FAA Stage III mandates
- cost estimate: \$2 million each
 2. Two spare engines w/hush kits to permit engine removal during maintenance
- cost estimate: \$1.25 million each
 3. Aging Aircraft Airworthiness Directives and Service Bulletins for each plane due termination by 1995
- cost estimate: \$3.5 million each
 4. Airworthiness Directives and Service Bulletins anticipated for corrosion control requirements
- cost estimate: \$1.5 million each
 5. One-time refurbishing of aircraft interiors
- cost estimate: \$350,000 each
 6. Upgrade avionic equipment, replace obsolete items
- cost estimate: \$1 million each
 7. Spare equipment kits, both on-board and in stock
- cost estimate: \$1 million each
 - C. What is being done to keep each aircraft in flight
 1. Standard maintenance is provided for each aircraft
3. Jetstar
L-1329
N7145V
 - A. Manufactured in 1960
 - B. Problems associated with operation
 1. Aircraft is unserviceable
 - C. What is being done to keep each aircraft in flight
 1. USMS awaiting direction to release aircraft
4. Sabreliner
NA-265-80
N12659
 - A. Manufactured in 1975
 - B. Problems associated with operation
 1. Engine hush kits required
- cost estimate: \$100,000
 - C. What is being done to keep each aircraft in flight
 1. Standard maintenance is provided

5. Sabreliner
NA-265-80
N2200A
 - A. Manufactured in 1975
 - B. Problems associated with operation
 1. Engine hush kits required
- cost estimate: \$100,000
 - C. What is being done to keep each aircraft in flight
 1. Standard maintenance is provided
6. Sabreliner
NA-265-80
N71460
 - A. Manufactured in 1975
 - B. Problems associated with operation
 1. Engine hush kits required
- cost estimate: \$100,000
 - C. What is being done to keep each aircraft in flight
 1. Standard maintenance is provided
7. Sabreliner
NA-265-80
N7148J
 - A. Manufactured in 1975
 - B. Problems associated with operation
 1. Engine hush kits required
- cost estimate: \$100,000
 - C. What is being done to keep each aircraft in flight
 1. Standard maintenance is provided
8. Sabreliner
NA-265-80
N71543
 - A. Manufactured in 1975
 - B. Problems associated with operation
 1. Engine hush kits required
- cost estimate: \$100,000
 - C. What is being done to keep each aircraft in flight
 1. Standard maintenance is provided

9. Sabreliner
NA-265-80
N127MS

- A. Manufactured in 1975
- B. Problems associated with operation
 - 1. Aircraft is unserviceable
- C. What is being done to keep each aircraft in flight
 - 1. Service Life Extension Program being discontinued and aircraft parts being salvaged, where useable

10. Sabreliner
NA-265-80
N131MS

- A. Manufactured in 1975
- B. Problems associated with operation
 - 1. Aircraft is unserviceable
- C. What is being done to keep each aircraft in flight
 - 1. Service Life Extension Program being discontinued and aircraft parts being salvaged, where useable

11. Cessna Citation
C-500
N9AX

- A. Manufactured in 1972
- B. Problems associated with operation
 - 1. Very small capacity
 - 2. No problems associated w/operation
- C. What is being done to keep each aircraft in flight
 - 1. Standard maintenance is provided

12. Cessna 310R
N37250

- A. Manufactured in 1977
- B. Problems associated with operation
 - 1. None
- C. What is being done to keep each aircraft in flight
 - 1. Waiting for annual inspection

13. Cessna 310R
N9757N

- A. Manufactured in 1979

- B. Problems associated with operation
 - 1. None
 - C. What is being done to keep each aircraft in flight
 - 1. Standard maintenance is provided
14. Cessna 210
N9690T
- A. Manufactured in 1967
 - B. Problems associated with operation
 - 1. None
 - C. What is being done to keep each aircraft in flight
 - 1. Standard maintenance is provided
15. - Cessna 185F
N1789
- A. Manufactured in 1974
 - B. Problems associated with operation
 - 1. None
 - C. What is being done to keep each aircraft in flight
 - 1. Standard maintenance is provided
16. Cessna 182
N42157
- A. Manufactured in 1968
 - B. Problems associated with operation
 - 1. None
 - C. What is being done to keep each aircraft in flight
 - 1. Standard maintenance is provided
17. Maule M-5-235C
N9752N
- A. Manufactured in 1978
 - B. Problems associated with operation
 - 1. None
 - C. What is being done to keep each aircraft in flight
 - 1. Standard maintenance is provided

REPLACEMENT OF AIRCRAFT

Mr. EARLY. You are a former U. S. Attorney.

Mr. HUDSON. Yes, Sir.

Mr. EARLY. Do you know of any RICO cases in which we have confiscated jet airliners of any type?

Mr. HUDSON. Mr. Chairman, I have met with the Director of the Drug Enforcement Administration, and other law enforcement heads within the Department of Justice. I am looking for any available aircraft.

In fact, I met this morning with the Assistant Secretary of Defense in an attempt to try to locate some aircraft we can use to replace our fleet.

Mr. EARLY. You also met with Defense, you say?

Mr. HUDSON. We are negotiating.

Mr. EARLY. Because that certainly is a practical use of surplus military equipment.

Mr. HUDSON. Yes, Sir.

CLOSURE OF CAMP BEAUREGARD

Mr. EARLY. Now, let us go to closure of Camp Beauregard. I think that this is in very bad judgment.

Your 1993 budget request suggests we reduce 14 positions and \$1.8 million by closing your Special Operation Group Tactical Center, in Camp Beauregard, Louisiana. Is it because you don't think you need it any longer?

Mr. HUDSON. Mr. Chairman, we are proud of the history of the Special Operations Group. It has, over the years, been available to maintain peace and order during times of civil disorder, as well as natural disasters, like Hurricane Hugo.

Mr. EARLY. Were you involved in the crisis we had in Louisiana with the Mariel Cuban prisoners?

Mr. HUDSON. I believe we were. Yes, we were involved in that, and we are involved in the repatriation of the Haitian immigrants right now. Also, we were involved in the transportation of General Noriega to the United States and we were involved in Operation Sunrise.

We have restored order during many riots and demonstrations that needed specialized training. It has performed its mission well over the years.

Mr. EARLY. But just a few month ago, the Congress at the Service's request, approved a long-term lease of the facility now under construction at Camp Beauregard. It is under construction; is it not?

Mr. HUDSON. Yes, Sir, 30 percent completed.

Mr. EARLY. This facility would include a dormitory, a warehouse, office, and classroom space, and would consolidate the numerous facilities presently leased by the Marshals Service at Camp Beauregard.

Why the sudden change in policy?

Mr. HUDSON. Well, it is a simple matter, Mr. Chairman, that budgetarily these are lean years, and this was determined not to be a priority.

Mr. EARLY. So do we save money by not training your people?

Mr. HUDSON. Well, that is certainly a difficult question to answer.

Mr. EARLY. I find it very easy to answer.

Mr. HUDSON. Well, it would be difficult for that mission to be performed by the Marshals Service without the benefit of well-trained people. These types of tactical operations, Mr. Chairman, are ones that require frequent training and retraining, and it will create a void in our Service, but it is a mission that, as a can-do organization that does the best we can, we will fill the void one way or the other.

Mr. EARLY. What is the status of the construction right now?

Mr. HUDSON. The State of Louisiana has completed thirty percent of the facility, as I understand it.

Mr. EARLY. Do you have a completion date?

Mr. HUDSON. End of 1992. Is that correct?

Mr. HAYES. This fall.

Mr. HUDSON. Fall of 1992, Mr. Chairman.

Mr. EARLY. Construction has not stopped, has it?

Mr. HUDSON. No. No, sir.

SPECIAL OPERATIONS GROUPS

Mr. EARLY. How would the proposed closure affect the Service's ability to respond to the SOG mission requirements? For example, do you have plans to deploy SOG this year?

Mr. HUDSON. They are currently deployed at Guantanamo Bay, Cuba, assisting with the Haitian repatriation project. We have, approximately, 26 deputy marshals who are on call or already there prepared to execute that particular mission.

This is the type of tactical operation, Mr. Chairman, that requires a great deal of skill and great deal of concentration, and without the facility, it will be hard to keep our level of skills well honed.

Mr. EARLY. Well, I thought that the 26 deputy marshals were spread out in a way that would allow you to bring them together as quickly as possible.

Mr. HUDSON. They are. They are on call and prepared to deploy to Guantanamo Bay when requested to do so. We have coordinators on the site.

Mr. EARLY. In your professional opinion, not justifying the budget request, do you think it is good judgment to terminate them?

Mr. HUDSON. Well, Mr. Chairman, I understand that we don't have the money available in the budget as we have had in the past, and I respect the judgment of the Administration on this.

SEIZED ASSETS

Mr. EARLY. In your statement, and then I will yield to Mr. Rogers for questions; you spoke about administration of seized assets.

Mr. HUDSON. Yes, sir.

Mr. EARLY. How many properties are the Marshals Service responsible for?

Mr. HUDSON. We have about 35,000 items. Not all that is real property. Forty percent is real property, Mr. Chairman.

Mr. EARLY. This Committee has been hearing for years that you don't seem to move the property. How many seized cars do you have under the Marshals Service?

Mr. HUDSON. We have about 13,000 at any given point in time.

Mr. EARLY. Thirteen thousand cars?

Mr. HUDSON. Yes, sir. Am I correct?

Mr. HAYES. Yes.

Mr. HUDSON. Yes. These vary in quality, Mr. Chairman. Some of these automobiles are incapable of being driven five feet, others are fairly marketable.

We periodically sell them. The fact of the matter is the forfeiture process takes some time, and during that period of time, Mr. Chairman, we have to bear the expense of maintenance and storage.

I am in the process right now of trying to come up with some alternative approaches that will cut down on our storage and maintenance expenses, and I hope to have those available in the not too distant future.

Mr. EARLY. You are probably the largest car dealer we have in the Federal Government. You say these are quality cars?

Mr. HUDSON. Some are and some are not.

Mr. EARLY. Can you get rid of the ones that are not?

Mr. HUDSON. We are attempting to work out a program whereby we could go ahead and sell for salvage value those automobiles that have minimal value.

Mr. EARLY. Can you give us an estimate of the cost to maintain these cars; just to maintain them in storage?

Mr. HUDSON. Let me see if I have that.

Mr. HAYES. I don't have that available now.

Mr. HUDSON. Mr. Chairman, I don't. I apologize. We will submit that to the Committee for the record.

[The information follows:]

STORAGE AND MAINTENANCE OF SEIZED VEHICLES

Estimated expenses incurred on vehicles including storage and maintenance is \$7.5 million annually.

STORAGE OF SEIZED VEHICLES

Mr. EARLY. Where do you store 13,000 cars?

Mr. HUDSON. They are stored in various lots around the country. One of our largest areas is down along the Mexican border, Laredo, Texas, and areas of that type.

Mr. EARLY. A few years back we heard about ranches, horse farms. Do we still have those?

Mr. HUDSON. I understand there are a few in our inventory, but most of them have been sold, Mr. Chairman.

Mr. EARLY. They have. Will you give us an update, for the record, as far as the properties you have had, how many you have moved, when you expect you could move more?

Mr. HUDSON. Yes, Sir.

[The information follows:]

INVENTORY OF SEIZED ASSETS/RECORD OF PRIOR DISPOSAL

The Marshals Service inventory consists of 30,154 items. Real property accounts for 17 percent (4,884) of the inventory in terms of numbers and 55 percent (\$777.5 million) in terms of value.

1991 assets in custody:

| | |
|---------------------------------|--------|
| On-hand beginning of year | 31,254 |
| Received during the year | 35,295 |
| Disposal during the year | 35,472 |
| Year-end inventory..... | 30,154 |

Items in the Marshals Service inventory are disposed of as quickly as possible. A substantial portion of the inventory at any given date represents items which have been seized, but not yet forfeited, and therefore, not available for disposal.

SEIZED VEHICLES

Mr. EARLY. And give us a suggestion of what you do with 13,000 cars, as far as getting them—

Mr. HUDSON. I will do that. You are aware, Mr. Chairman, these are all vehicles that have been seized because the operator has been arrested for a Federal crime, such as transporting aliens across the border, entering the United States, or transporting controlled substances, those types of offenses.

Mr. EARLY. I am familiar with that, but I cannot understand why, if your office has 13,000 cars, quality cars, this Federal Government buys any new cars.

Mr. HUDSON. They are not quality cars, Mr. Chairman.

Mr. EARLY. Of the 13,000, there has to be—you had to confiscate some.

Mr. HUDSON. I am sure there are some quality cars in the fleet. I will respond to the Committee and place the information in the record.

[The information follows:]

QUALITY OF SEIZED VEHICLES

At any given point the Marshals Service has approximately 13,000 vehicles on hand. The majority of these vehicles are not available for disposal, they are simply being maintained pending the outcome of the forfeiture action. In addition, roughly 75 percent are the result of INS seizures, which are typically of low value. The following highlights vehicles activity during 1991:

| | |
|--|--------|
| On-hand beginning of period | 14,271 |
| Average estimated value per item | 25,362 |
| Number received during period..... | 22,207 |
| Number disposed during the period..... | 22,735 |

Of the vehicles disposed of during 1991, over 3,000 were either transferred to a participating State or local law enforcement agency, through the equitable sharing program; placed into official use by the Federal investigative agency, or transferred to a non-participating agency. Nearly all of these vehicles would be considered quality vehicles.

In addition, approximately 11,000 vehicles were sold during 1991. It should be noted that, as a general rule, vehicles and other property which are not to be placed into official use or transferred through the sharing program are sold and the money placed into the Assets Forfeiture Fund. This money is then used to pay the expenses incurred in the seizure, maintenance and disposal of seized and forfeited property. Thus, income from property forfeited is vital to the continued ability of the Department to pursue forfeiture as a law enforcement tool.

Outlined below is the estimated value of the current vehicle inventory:

| | |
|--|--------|
| Total vehicles in custody..... | 12,571 |
| Estimated value < \$5,000 | 8,469 |
| Estimated value \$5,000-\$10,000 | 2,261 |
| Estimated value > \$10,000 | 1,841 |

DISPOSAL OF LOW VALUE VEHICLES

Through the end of February 1992, the Southern District of California completed their 88th auction since 1987, in two locations, San Diego (70) and El Centro (18). At the most recent sale held in the San Diego, 155 vehicles were sold resulting in a net deposit to the Assets Forfeiture Fund of \$237,332 or an average net sale price per vehicle of \$1,528.59. In El Centro, their latest sale of 170 vehicles resulted in a net deposit of \$128,920 or an average net sale value of \$758.38. These sales were comprised primarily of low value INS seized vehicles.

DISPOSALS

The seized property inventory in the Marshals Service is continually changing, as assets are disposed of through sale, official use, equitable sharing, and release to innocent third parties, new assets are coming into the inventory from on-going seizure activity. In other words, the cycle is continuous, it is not anticipated that the inventory will ever be zeroed out, nor should it be unless federal law enforcement agencies discontinue the use of asset seizure as a law enforcement tool.

DEPARTMENT OF JUSTICE SEIZED VEHICLES

Mr. ROPER. Mr. Chairman, I will say, speaking for the Department, you will find in all of our automobile exhibits that there are seized vehicles brought into all the fleets of the Department during the year; the FBI, DEA, INS, even the Marshals. If there are quality seized vehicles, once they are forfeited, our agencies do make use of those, but it is in the range of, I would say, probably about a thousand seized vehicles across the whole Department. Maybe less than a thousand in our inventory.

Mr. EARLY. For the record, then, Mr. Roper, will you include how many forfeited vehicles are transferred to Federal Agencies?

Mr. ROPER. Sure.

[The information follows:]

MOTOR VEHICLE FLEETS FOR DOJ AGENCIES SEIZED VEHICLE INVENTORIES

| | Seized vehicles in agency vehicle fleet EOY 1990 | 1991 Activity— | | Seized vehicles in agency vehicle fleet EOY 1991 |
|------------|--|---------------------------------------|-----------------------------|--|
| | | Seized Vehicles acquired by agency | Seized vehicles disposed | |
| FBI..... | 1,055 | 257 | 178 | 1,134 |
| DEA..... | 1,686 | 509 | 290 | 1,905 |
| INS..... | 1,014 | 221 | 126 | 1,109 |
| USMS..... | 194 | 86 | 29 | 251 |
| BOP..... | 0 | 1 | 0 | 1 |
| Total..... | 3,949 | 1,074 | 623 | 4,400 |

Note —An additional 43 vehicles were transferred to non-DOJ Federal agencies. Most non-DOJ agencies participating in the DOJ forfeiture program acquire seized vehicles from DOJ agencies rather than retain vehicles themselves

CAMP BEAUREGARD

Mr. EARLY. I have several other questions, which I will come back to, Mr. Hudson, but I will yield to the gentleman from Kentucky.

Mr. ROGERS. Congratulations on your selection by the President. I understand your confirmation is under way, and do you have a feeling about when that might be completed?

Mr. HUDSON. No, sir, I don't, but I am optimistic it will be accomplished in the next few weeks.

Mr. ROGERS. Certainly, your qualifications are superb. I don't know of any Federal official I am aware of that has the kind of training and experience that would commend them for the post, any post, than yours.

I was especially aware of the fact you had served in the Commonwealth of Virginia as one of its commonwealth attorneys, the post I had in Kentucky, and I know that superbly qualifies you for most anything.

On Camp Beauregard, is it correct that the great majority of the training done there is for the State Department.

Mr. HUDSON. Yes, a considerable portion of it is for the State Department. Some of it is for anti-terrorist forces for foreign countries, and we also do some training for other Federal law enforcement agencies there, Congressman.

Mr. ROGERS. In fact, I am told only 36 of the 167 students trained there last year were Marshals' personnel.

Mr. HUDSON. That is correct, Congressman. Thirty-six deputies received SOG training and 8 newly-appointed United States Marshals were given orientation training. However, you have to understand that Camp Beauregard is not just a training facility. It is a tactical facility that is used to refine our skills, it is used as a staging area when we are being deployed on sensitive missions. It has a multitude of functions other than training, in the purest sense of that word.

Mr. ROGERS. Well, if it should be closed, where would you train your people for the skills they gain there?

Mr. HUDSON. Congressman, we are still in the process right now of trying to determine how we can do that.

Camp Beauregard is advantageous to us because it is in a remote area and is located in close proximity to the Louisiana National Guard, which means that there is some consolidation of training there. It has firearms facilities that perhaps few other Federal reservations will permit. It is a very difficult environment to duplicate.

Mr. ROGERS. Where would the State Department personnel receive their training, should Beauregard be closed?

Mr. HUDSON. Congressman, I don't know the answer to that question, sir.

Mr. ROGERS. Do you know whether or not arrangements have been made for them to take the place of Beauregard?

Mr. HUDSON. No, sir, I don't.

Mr. ROGERS. Does anyone else train their personnel there besides State and marshals?

Mr. HUDSON. I understand other Federal law enforcement agencies have used our facilities.

Mr. ROGERS. Well, to put it nicely, you are not thrilled about closing Beauregard, are you?

Mr. HUDSON. Well, to repeat my comments, Congressman, I respect the fact, among priorities, this one is not at the top of the list.

Mr. ROGERS. We are not talking huge amounts of money here, anyway.

Mr. HUDSON. About \$2.5 million in 1993.

Mr. ROGERS. How many personnel are involved there?

Mr. HUDSON. There are 16.

Mr. ROGERS. Total?

Mr. HUDSON. Yes, sir.

Mr. ROGERS. They are assigned permanently there?

Mr. HUDSON. Yes, sir. They are.

[Further clarification was provided subsequent to the hearing:]

CLARIFICATION FOR THE RECORD

While the U.S. Marshals Service (USMS) performs most of its training at the Federal Law Enforcement Training Center (FLETC), it has conducted certain training at Camp Beauregard. The USMS Special Operations Group (SOG) receives tactical training at Camp Beauregard that can not be provided at FLETC due to safety concerns and lack of space. The facility also serves as staging area for SOG operations.

The USMS also uses the Camp Beauregard facility to provide training to foreign law enforcement personnel under the State Department's Anti-Terrorism Assistance Program (ATAP), and to Treasury agents, on a reimbursable basis. In 1991, only 44 of the 199 students trained at Camp Beauregard were USMS personnel (8 U.S. Marshals and 36 SOG Deputies). The remaining 155 were State or Treasury Department students. While USMS is reimbursed for overtime and supplies used in training State and Treasury Department students at Camp Beauregard, it is not reimbursed for the salaries and benefits of the Deputies conducting the classes.

In 1989, USMS amended its 20 year lease for Camp Beauregard with the Louisiana National Guard to include a new training facility at Camp Beauregard, to be built by the National Guard and paid for by USMS through a 20 year lease. The facility is currently 30 percent completed, and the National Guard is continuing construction with completion expected in Fall 1992. Annual lease payments after the facility is complete would be approximately \$535,000.

The total cost to the Marshals Service of operating the facility in 1993 would be approximately \$2.5 million. Since some of the savings from the closure of Camp Beauregard would be offset by relocation of personnel and equipment at the facility and the need to conduct USMS's SOG training at another location, closure would result in a reduction in USMS's annual resource requirements of 14 Deputy U.S. Marshal positions and \$1,750,000.

INCREASED WORKLOAD

Mr. ROGERS. Now, we have seen the Federal Court drug caseload climb 26 percent in the last four years. In fact, drug filings now make up over a quarter of all criminal filings for the courts and many of these individual filings require twice the work because many of them involve multiple defendants. I know those are particularly labor intensive. It has increased the complexity of handling prisoners where the risk threat is particularly high.

Has the workload per case for Marshals Service increased, as I am indicating here, or has it not, over the last few years?

Mr. HUDSON. It has increased substantially for a number of reasons. In these types of high risk trials that have major security problems, Congressman, we have to deploy additional personnel to protect not only the prosecutors and the witnesses, but also the judges and the courthouse perimeter.

We are required to have special handling for many of these sensitive witnesses. They require segregation from other witnesses within the cell blocks, within detention facilities. Many times we are required to shuttle them back and forth to more remote areas for their personal protection.

We have to provide long-term security, and our witness security program to many of the witnesses in these types of trials. It re-

quires us to gather a lot more information about possible people who could be present during the trial, just as far as protection of the court and protection of the prosecutor.

So, they are more labor intensive, and involve more warrants, subpoenas, and things like that—that we have to attempt to serve in cases where you have individuals who are not particularly anxious to come in and cooperate. We are involved in conducting investigations, prior to the seizure of assets that will be eventually forfeited to make sure it is cost-effective to forfeit them. Our role is increasing all the time, Congressman Rogers.

Mr. ROGERS. Have you noticed any change in your workload since the minimum mandatory sentences and the sentencing guidelines have come about in the last few years? Has that increased or diminished your workload?

Mr. HUDSON. While we see increases in prisoner productions for pre-sentencing hearings, and prisoners are in our custody for long periods of time, I don't think the mandatory sentencing or the guidelines alone have created the increase. I think the aggressive strategy this Administration has had in the drug area particularly with respect to violent crime has increased the workload, because prosecutors are working harder, there are more agents out there, and we have responded accordingly.

Our fugitive apprehension program is probably the flagship of our investigative fleet, and I think we have apprehended over 25,000 people last year, 15,000 felons. Every time there is a major OCDETF, Organized Crime Drug Enforcement Task Force operation, we work with the Drug Enforcement Administration in apprehending the drug fugitives, so our workload has increased as has the aggressiveness of the Administration on the war on crime.

But, I don't think mandatory sentences or the guidelines are the only causes of increased workload, and I say that both as a former prosecutor, as well as Director of the Marshals Service.

Mr. ROGERS. I wondered if that required more frequent trips to court; escorting prisoners to and from court more often.

Mr. HUDSON. It does not, but they point out to me that, given the fact that we are detaining prisoners longer, it does encumber a lot more of the jail space. That is an effect we have detected.

FELONY FUGITIVE WARRANTS

Mr. ROGERS. This subcommittee and the Congress have agreed to the requests of the Administration over the last several years. I think we have doubled the Justice Department's funding over time to combat the drug problem and to fight crime in this country.

When we increase the number of U.S. attorneys, we must build more prisons. We have appointed more judges, we have greatly beefed up the FBI, the DEA, all of the law enforcement agencies, as well as the local grants that go out from the Justice Department to local and State law enforcement officials.

One thing that I became aware of on this subcommittee is that when we increase one element in the criminal justice system, all the others have to be brought up to the same level or else it is ineffective. We have too many prosecutors and not enough jails to put convicts in. We won't convict more people because you don't have

room for them. If we don't have enough Marshals to care for the courts and the prisoners and the apprehension and so forth, the whole system is brought down.

So when we increase one segment of the criminal justice train, we have to increase the others, and I am afraid the Marshals Service has been sort of left behind here some in past years. I think it is time we tried to catch up, let you catch up with your work load we have put on you from both ends, on the prison end and pre-prison end.

Now, I notice that you are carrying a consistently high level of felony fugitive warrants from year to year—at the end of 1991 it was over 17,000. Are many of these drug-related warrants?

Mr. HUDSON. They are. Let me get you the percentage, Congressman.

Seventy-five percent of our warrants, Congressman, are drug related, either directly or indirectly.

Mr. ROGERS. Is that an abnormally high level of outstanding warrants?

Mr. HAYES. It has been climbing; we have assumed a lot of DEA cases.

Mr. HUDSON. It is progressively climbing.

One of the things we have done, Congressman, is we have reached out to the Drug Enforcement Administration to assist them with their fugitives, and that has increased the number of cases for which we are responsible. We are taking a proactive aggressive role in that area.

Mr. ROGERS. And some of these are States?

FUGITIVES IN FOREIGN COUNTRIES

Mr. HUDSON. Yes, sir, they are.

Mr. ROGERS. How about our success in bringing back fugitives who flee to foreign countries? Any particular problems there?

Mr. HUDSON. We have a continually increasing number of fugitives in foreign countries, Congressman, and we are trying, within the Marshals Service, to locate as many as we can working through Interpol, et cetera. There are some country-by-country problems that we are working on, but none really that would bear on your question.

HAWAIIAN CAP PROJECT

Mr. ROGERS. Now, last year we had this Hawaiian detention project.

Mr. HUDSON. Yes, sir.

Mr. ROGERS. CAP. How big a facility is planned and what is the cost per bed space over there?

Mr. HUDSON. It is a 200 bed facility, Congressman, and the cost per bed would be about \$50,000. It would be a 15-year contract.

Mr. ROGERS. Where do we stand on it now?

Mr. HUDSON. We are in the process of negotiating with the State of Hawaii, however, they have been reluctant thus far to sign a contract, because they have reservations about the 15-year requirement, which, as you know, Congressman, is a provision of our Ap-

appropriations Act of last year, which requires these contracts involving over \$25,000 per bed to have a life of 15 years or more.

Mr. ROGERS. You are still negotiating?

Mr. HUDSON. We are still negotiating very aggressively on that, and I hope to resolve it as quickly as possible. There is a detention problem there.

Mr. ROGERS. Is there a particular region or regions of the country where detention problems are most acute, more acute than others?

Mr. HUDSON. I think New York City and Miami now are my two greatest areas of concern. I am concerned about many, but they are the ones that have reached the crisis level.

Mr. ROGERS. Do you have projects slated in those areas?

Mr. HUDSON. The Bureau of Prisons is working on regional projects there. In the interim, we are in the process of locating as many bed spaces as we can that can either be contracted for or we can enter into a cooperative agreement that will allow us to have guaranteed beds for a stated period of time.

Mr. ROGERS. Are you having difficulties finding State and local contract space for high-profile or high-risk business?

Mr. HUDSON. We are able to find it. It is a little more difficult, Congressman, but we are able to find it. Sometimes it requires us to move them outside the immediate area of the court to another district sometimes, but we can locate it.

PRISONER SECURITY

Mr. ROGERS. In your statement you refer, on page four, to prisoner security. It is not just the sheer numbers that threaten to swamp you but the changing nature of the types of defendants that cause you some alarm, and you refer to the people like Walter Moody, the convicted murderer of Judge Vance.

When those people come up for a trial, it turns into a media event, and, in fact, we now have a cable channel on television that deals only with court proceedings, and we have had these spectacular trials all over the country, it seems here lately. That is not going to decrease. That is probably going to increase.

Does the media spotlight on many of these spectacular trials cause extra work to the marshals?

Mr. HUDSON. To the extent it draws a larger audience—people see a trial on television, they decide they want to come down to the courthouse and view it in person—it does enhance the security risks in these types of cases.

I might add, Congressman, that it is cases just like the Moody trial that our Special Operations Group have assisted in providing security.

Mr. ROGERS. Because it is so complex?

Mr. HUDSON. That is correct.

Mr. ROGERS. Because of the media hoopla and—

Mr. HUDSON. It is not just the fact the media is there. It is the fact that as it becomes more publicly known that there is a controversial type of trial, it has a magnetic effect and draws more spectators, and, as a consequence, requires us to heighten security both

in the courtroom and the courthouse and the perimeter around the courthouse.

Mr. ROGERS. Well, let me close just by saying that we thank the Marshals for their continuing good work around the country, and we wish you the best of luck, Mr. Hudson, in your new undertaking.

Mr. HUDSON. Thank you, sir.

Mr. ROGERS. We will try to help in any way we can. We are squeezed for money here, but we will try to do the best we can to help you.

Mr. HUDSON. Thank you, sir.

ATTORNEY POSITIONS

Mr. EARLY. Your requested increase of 113 positions, how many lawyers are there?

Mr. HUDSON. We are requesting no additional lawyers.

Mr. EARLY. That is very good. [Laughter.]

Mr. HUDSON. That was last year, Mr. Chairman.

D.C. SUPERIOR COURT

Mr. EARLY. That is right. The entire Justice Department is requesting in excess of 3,600 new positions. As far as what Mr. Rogers just said, a lot of the new attorneys promote more and more expansion of government, and your agency is one that at least stabilizes it.

What security deficiencies at the D.C. Superior Court will be corrected with the \$1.3 million increase that you request?

Mr. HUDSON. As you noted during the hearing last year, Mr. Chairman, we have so many prisoners over there that we are responsible for, that oftentimes our deployment of deputies becomes rather thin. I don't like the idea of one deputy marshal being responsible for up to 10 prisoners. This will help provide the number of deputies necessary to maintain prisoner security when they are being shuttled back and forth to court.

You will notice the Superior Court in the District of Columbia is in session now six days a week, 12 hours a day. They have 60 judges. It is our responsibility to provide security for violent cases over there, Mr. Chairman. One reads the newspaper every day and sees the caliber of cases our Superior Court judges handle. I think they deserve protection, and I want to make sure with these additional deputy marshals that we provide that protection to them.

Mr. EARLY. Has the ratio of marshals to prisoners diminished from what it was in the past at the D.C. Superior Court?

Mr. HUDSON. The ratio of what to what, sir?

Mr. EARLY. Marshals to prisoners. I saw pictures in the paper that really bothered me, one marshal bringing in ten prisoners, you know, manacled by chain. Do you really think one marshal can watch ten prisoners?

Mr. HUDSON. It is not an ideal situation. Our marshals will do it when it is necessary. Has the ratio decreased? I think it has improved, but we still have not reached the optimum level yet, Mr. Chairman.

PRISONER TRANSPORTATION

Mr. EARLY. Back to your request of \$450,000 to improve air operations first by implementing audit findings, and second to fund a Department of Transportation study. Please identify the findings and the recommendation and what you are going to do to improve operations. Are these safety of life improvements?

Mr. HUDSON. They could rise to that level. They are security improvements.

First of all, Mr. Chairman, I want to take a look at our air operations nationally and see whether or not it is the most efficient use of our aircraft and time. We are requesting money for a Department of Transportation study, FAA, to help me determine whether the air hubs, et cetera, are properly configured. That is \$400,000.

We have also requested, at the suggestion of the last audit, two additional administrative positions to help us administer the air program, to make sure that the scheduling and tracking of prisoners is being handled more efficiently than it is right now.

Mr. EARLY. What are the specifics of the \$400,000 study, though? I mean we have studied everything.

Mr. HUDSON. What it will do is provide an assessment of the current equipment, airworthiness of aircraft, procedures, transfer points, overnight storage of vehicles and aircraft, evaluation of our equipment and communications, our restraining devices, tracking systems, anti-intrusion detection devices, and our prisoner-screening equipment.

Mr. EARLY. So it is more of an assessment, really.

Mr. HUDSON. It may have been a poor choice of terms on my part, Mr. Chairman.

SERVICE OF PROCESS PROGRAM

Mr. EARLY. Fine.

You propose a reduction of \$1.3 million in the Service of Process Program as a result of improvements in efficiencies. What are some of the efficiencies?

Mr. HUDSON. Well, the law now provides that many types of process can be served by mail. We are going to encourage that. It doesn't mean there will not be many types of process that have to be hand delivered, as you well know, Mr. Chairman, but with the onset of mailed process, there will not be as much necessity for hand-delivered process, and, consequently, we can eliminate 11 positions there.

U.S. MARSHAL'S MEMORIAL

Mr. EARLY. That is fine.

Would you please brief the committee on the controversy surrounding the U.S. Marshals' Memorial, beginning with the initial planning, including the involvement of the Marshals Service?

Mr. HUDSON. Well, I have familiarized myself with that a little, Mr. Chairman.

Let me preface my remarks by saying that at the request of the Deputy Attorney General of the United States, the Office of Professional Responsibility at the Department of Justice is currently conducting an investigation of the foundation and the memorial.

I anxiously await their findings, and, based upon those findings, in consultation with the Deputy Attorney General, we will take the next step with respect to the foundation and the memorial.

REDUCTION IN THE COOPERATIVE AGREEMENT PROGRAM

Mr. EARLY. OK. If a lack of detention space is one of the department's most significant problems, why do you reduce by half the amount requested for the CAP, the Cooperation Agreement Program?

Mr. HUDSON. It's a matter of budgetary constraints, Mr. Chairman.

Mr. EARLY. You have to spend money to save money.

Mr. HUDSON. I appreciate your attitude, sir.

In our view, in order to fully implement the type of CAP program we need, we need approximately \$23 million, but it is just not available. So, as a consequence, we feel with \$7.4 million we can address the crisis areas.

Mr. EARLY. So it will take \$23 million to fund all of the known requests from localities desiring to enter into agreements?

Mr. HUDSON. I think that is correct, sir.

Mr. EARLY. Fine.

For the record, provide a list of the potential CAP projects by locality and include the number of bed spaces and the cost.

Mr. HUDSON. We will have that, sir.

[The information follows:]

POTENTIAL COOPERATIVE AGREEMENTS PROJECTS

| State Fed Court City | Beds | Amount ¹ |
|--------------------------|-------|---------------------|
| MI—Detroit (MOD) | 82 | \$1,000,000 |
| NC—Durham (MOD) | 35 | 1,000,000 |
| GA—Atlanta | 300 | 1,000,000 |
| FL—W. Palm Beach | 100 | 2,000,000 |
| NY—Buffalo | 25 | 500,000 |
| GA—Savannah | 100 | 2,000,000 |
| VA—Roanoke | 50 | 1,000,000 |
| VT—Burlington | 50 | 2,000,000 |
| GA—Augusta | 61 | 1,500,000 |
| NY—White Plains | 40 | 1,400,000 |
| ME—Bangor | 15 | 600,000 |
| VA—Charlottesville | 50 | 1,000,000 |
| MT—Helena | 33 | 825,000 |
| NY—Syracuse | 40 | 2,000,000 |
| WV—Elkins | 25 | 500,000 |
| TN—Jackson | 15 | 375,000 |
| NY—Rochester | 25 | 500,000 |
| PA—Erie | 60 | 2,000,000 |
| WV—Martinsburg | 50 | 1,250,000 |
| MT—Missoula | 6 | 150,000 |
| OH—E. Cleveland | 50 | 1,000,000 |
| Total | 1,712 | 24,400,000 |

¹ The above amounts are estimated pending final negotiations.

The above list of \$24 million CAP projects reflects only those areas with emergency detention requirements. The Department of Justice is in the process of coordinating with the USMS, BOP and INS to update the Five Year Detention Plan which will include a five year CAP requirement. That expanded CAP list (when completed)

will also reflect CAP requirements for Federal Court Cities with critical and serious detention status.

HAWAII CAP PROJECT

Mr. EARLY. Last year, an issue arose over a proposed CAP project in Hawaii. I think Mr. Rogers spoke to that.

Has the language inserted in last year's bill limiting the average cost per bed space for a CAP project to \$50,000 had any impact on your ability to negotiate CAP improvements?

Mr. HUDSON. The problem in Hawaii, Mr. Chairman, is the requirement that any contract with a cost per bed over \$25,000 be for 15 years in duration. That is the impediment to our being able to finalize the contract in Hawaii. They are very reluctant to enter into a 15-year contract, particularly in light of the fact the U.S. Bureau of Prisons will probably complete a multipurpose correctional facility on the island in five-to-seven years.

Mr. EARLY. I would much rather put prisoners in Alaska than Hawaii, since Alaska is looking for a corrections facility.

Mr. HUDSON. We have about 120 prisoners a day in Hawaii. I spoke to the U.S. Attorney in Hawaii last week, and he says it is about 120 to 125 prisoners.

Mr. EARLY. Seriously, I don't think Alaska has a prison facility. I will develop it with the Bureau of Prisons, but I mean, for the maximum security place, I would prefer Alaska.

Mr. HUDSON. Congressman, the Deputy Director just advised me or reminded me to tell you these are pretrial prisoners. They have not been convicted, so they need to be accessible to the courts.

Mr. EARLY. Very important.

How about the requirement in last year's budget that any agreement with an average cost in excess of \$25,000 has to be in effect at least 15 years? Has that caused any problem?

Mr. HUDSON. That is the problem I have in Hawaii, the 15-year requirement for anything involving per bed costs over \$25,000. It has not proved to be a problem elsewhere, but it has been a major impediment to our contract in Hawaii.

Mr. EARLY. We have approved a reprogramming from the Bureau of Prisons to construct a metropolitan detention center in Hawaii. Will that impact on the Hawaii CAP project, in your opinion? Are you familiar with that project?

Mr. HUDSON. I am, and it will relieve much of our problem. The fact that it will be constructed, and the assurance the Bureau of Prisons has given the State of Hawaii has added some comfort to the Hawaiian officials we are dealing with. But, the 15-year requirement continues to be a problem, and I am hoping to deal with that as best I can.

Mr. EARLY. Fine. I think you can have your staff correspond with our staff, if there is something you think the Committee should look at.

Mr. HUDSON. Yes, Sir, I will do that. Thank you, Mr. Chairman.

Mr. ROGERS. If you would yield.

Well, first, the gentleman—

Mr. ROPER. Mr. Chairman, I did want to cite the language that is in the 1992 appropriations act that offers a slight safety valve for everyone, and that is—that we can report through a reprogram-

ming notification to you if there is a particular problem, and if there is an alternative that the executive and legislative branches may want to consider.

Mr. ROGERS. Well, the problem is apparently that Hawaii wants the building at the end of 10 years instead of the normal 15. It is a tremendously expensive project, ten million dollars, and we have been insistent that the term be at least 15 years before they get this very expensive project turned over to them; isn't that correct?

Mr. HUDSON. That is correct.

Mr. ROGERS. So you won't find much give on that, I don't think, up here.

Thank you.

Mr. EARLY. Again, that new project in Hawaii, if we get that, wouldn't that take care of the problem with the time period?

Mr. HUDSON. Well, it will, Mr. Chairman, but, of course, that is five years in construction, you realize that. I hope that with that they will take comfort that we will probably move our prisoners out of there within ten years and allow us to go ahead and proceed with the contract.

Mr. EARLY. Mr. Hudson, I want to thank you for your testimony. Wish you well in the new position. I really do think that the Marshals have done a very good job and really are the workhorse of the Justice Department. We have some additional questions for the record.

Mr. HUDSON. Thank you, very much.

Mr. EARLY. That adjourns the hearing.

[The following questions were submitted to be answered for the record:]

Offset Folios 460 to 462 Insert here

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

U.S. Marshals Service/Support of PrisonersSOG Training Center

QUESTION: Did you actually sign a contract for the Camp Beauregard facility, and will there be any contract termination costs?

ANSWER: In October 1988, the Marshals Service entered into a 20-year lease with the Louisiana National Guard to lease 13,970 square feet of warehouse, office, and classroom space along with joint use of a firing range. The original annual lease payment was \$36,000; in accordance with the contract, this cost has increased yearly based upon the yearly change in Consumer Price Index.

On December 1, 1989, lease Amendment No. 2 was executed to include an additional 36,000 square feet of space. Under the terms of this amendment, the Louisiana National Guard is constructing additional training center facilities, funded by a bond issue, and the USMS will pay for this new training center through amortized lease payments commencing upon completion of construction. Construction is currently 30 percent complete, and is expected to be finished in the fall of 1992.

As amended, the lease is for a base period of one year, with 19 one-year renewal option periods. Each renewal option period is deemed as being exercised unless adequate appropriation funding for the payment of rentals is unavailable (Amendment 2, Paragraph E). As a result, the contract may only be terminated if the appropriation for the Marshals Service specifies that funds are not available for the facility lease, or if there is mutual agreement by both lease parties to terms for termination of the lease.

The costs of terminating the lease would depend, in part, upon whether or not the State of Louisiana could find a new lessee for the facility. If so, the costs would likely be limited to any rental, bond, and pre-occupancy costs that the new lessee did not agree to assume. If no new lessee can be found, Louisiana could be expected to seek payment of the total costs of the bonds floated to fund the new facility and the interest on those bonds, as well as remaining rental costs for the years left on the lease. These costs could total over \$4 million. Cost savings from the elimination of the facility would cover these termination costs after several years.

Protection of Judiciary

QUESTION: You recommend a reduction of \$3,862,000 associated with a deferral of planned holding cell construction. Are these deferrals associated with delays in appointing the new judgeships?

ANSWER: No, the deferral of planned holding cell construction does not relate to the appointment of new judges. Spreading the projects planned for 1993 over two years will contribute to the Department's efforts to remain within the spending restrictions of the Budget Enforcement Act during 1993.

QUESTION: How much was in your 1993 base for construction of holding cells?

ANSWER: There is a base of \$7,653,000 designated for holding cell construction and renovation.

QUESTION: You request an increase of \$2,282,000 and 30 deputy marshals to handle increased travel of prisoners over longer distances. Would it not be more cost-effective in the long run to utilize these funds in the CAP program and build detention facilities closer to court houses?

ANSWER: Since 1982, the Cooperative Agreement Program (CAP) has made significant strides to relieve the detention crisis. But, it has been unable to keep pace with the growing USMS prisoner population resulting from recent law enforcement initiatives.

It is important to consider the fact that the detention situation is a crisis only in certain geographic regions, and in some regions, all possible detention facilities are already in full use. No increase in CAP funding will make additional bed space available near some court cities. We must, therefore, make CAP agreements with facilities located farther from these courts. Additional Deputies will be needed in these areas to insure safe and secure transportation of prisoners from increasingly distant jails.

Because prisoner workload increases are found nationwide, CAP agreements addressing the prisoner detention crisis will not eliminate a requirement for additional Deputies. For example, the \$2,282,000 associated with the 30 Deputies in question, would have funded 125 bed spaces in four locations listed among those already committed for 1992. The 30 Deputies, on the other hand, can provide wider coverage of the increased prisoner workload and will permit the use of CAP agreements in locations where they are actually available.

The implementation of the Federal Detention Plan, developed by the Bureau of Prisons, Immigration and Naturalization Service, and the U.S. Marshals Service, to determine crucial Federal Court City detention needs and to resolve those needs through CAP guaranteed beds or BOP construction/expansion would be the most cost-effective solution in the long run. The provision of adequate funding is a key issue to the successful implementation of the Plan and the ultimate resolution to the detention crisis.

Until such time, however, Deputy U.S. Marshals will be required to transport prisoners unacceptably long distances

to meet court-ordered schedules to ensure the continued functioning of the judicial process.

Correct Deficiencies/Improve Productivity

QUESTION: You request a total of over \$7.4 million to improve the Marshals Service's financial management systems. Please describe how each of these enhancements will improve your financial management?

ANSWER: The Marshals Service is in the process of migrating its financial management systems to the Department's Financial Management Information System (FMIS) with full implementation to be completed in 1994.

The Service's current accounting system is fragmented, does not allow current information to be retrieved in a timely manner, and does not provide program cost information. This migration will solve these problems.

The major portion of the request is for the purchase central processing time at the DOJ data center, development of necessary Financial Management Information System (FMIS) software and supporting documentation, staffing of positions to provide training to the USMS districts, and provision of additional and replacement communication and application-processing equipment so that FMIS can be implemented. As the development of a design for interfacing the asset management system becomes less fragmented and more sophisticated, the need for increased security will rise. The USMS will implement its Operations Security Program (OPSEC) to insure compliance with the ADP Security Act of 1987.

The remaining component of this request is for staffing in three areas: 1) System Administrators, 2) Financial Management Staffing, and 3) Financial Systems Staff.

The System Administrators will handle the computer support functions in the districts. These functions are currently performed by operational support staff and Deputy U.S. Marshals in the district offices as collateral duties. Placing System Administrators in the districts will free up additional time that existing personnel can devote to their primary law enforcement duties. Also, with technically qualified individuals in the System Administrator positions, persons with necessary skills and knowledge will be at hand if a system failure should occur, and constant system training and support of a high quality will be assured.

The increased Financial Management Staff will be responsible for training and user assistance related to FMIS. They will also develop documentation for USMS personnel as the FMIS is implemented nationwide.

Finally, the Financial System Staff will accelerate the Marshals Service migration to the Department's FMIS in order to comply with the requirements of the Chief Financial Officers (CFO) Act of 1990. The staff will provide the

support required to implement the CFO Act and improve financial management generally by: establishing effective financial management policies and internal controls; ensuring adequate systems to produce useful, reliable and timely financial and related programmatic information; developing useful financial analysis and performance reports; and integrating budget execution and accounting functions.

TUESDAY, MARCH 10, 1992.

FEDERAL BUREAU OF INVESTIGATION

WITNESSES

WILLIAM S. SESSIONS, DIRECTOR

FLOYD I. CLARKE, DEPUTY DIRECTOR

W. DOUGLAS GOW, ASSISTANT DIRECTOR, INTELLIGENCE DIVISION

WILLIAM A. BAYSE, ASSISTANT DIRECTOR, TECHNICAL SERVICES DIVISION

LARRY A. POTTS, ACTING ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION

JAY A. BRIKEY, DEPUTY ASSISTANT DIRECTOR, ADMINISTRATIVE SERVICES DIVISION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

FBI BUDGET REQUEST

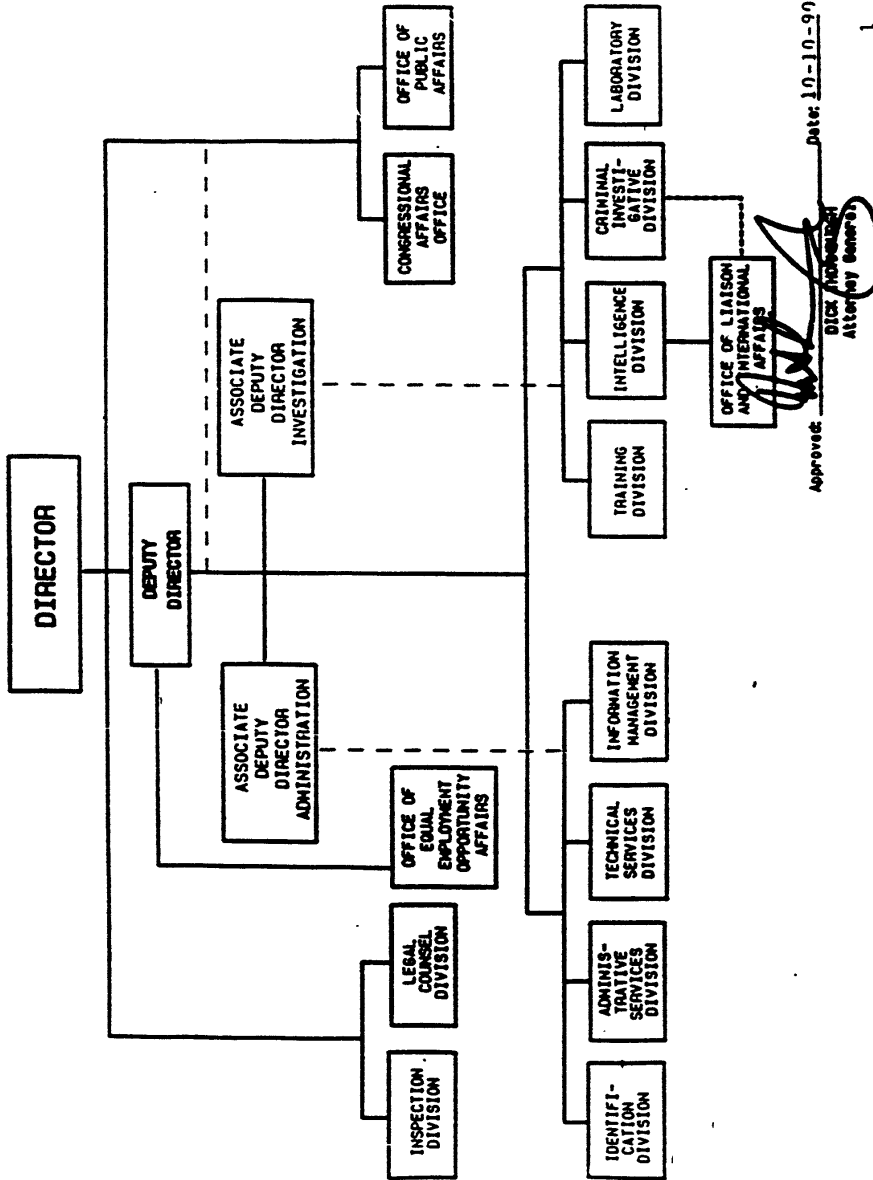
Mr. SMITH of Iowa. Continuing with our review of the Department of Justice, we will now hear testimony from the Federal Bureau of Investigation. The FBI requests appropriations for fiscal year 1993 of \$1,939,683,000 for their salaries and expenses account, \$100 million for their Identification Division Automation project, and \$80 million for a new account—Special Program. We will insert in the record at this point the FBI's fiscal year 1993 budget justification.

[The information follows:]

Department of Justice
Federal Bureau of Investigation
Salaries and Expenses
Estimates for Fiscal Year 1991
Table of Contents

| | Page Number |
|--|----------------|
| Organizational Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriations Language..... | 7 |
| Crosswalk of 1992 Changes..... | 9 |
| Summary of Requirements..... | 11 |
| Summary of Resources by Program..... | 12 |
| Justification of Program and Performance: | |
| Criminal, Security, and Other Investigations..... | 13 |
| Investigative Support..... | 49 |
| State and Local Assistance..... | 67 |
| Program Direction..... | 84 |
| Financial Analysis - Program Changes..... | 94 |
| Status of Construction and Summary of New Facilities Requirements..... | 96 |
| Status of Congressionally Requested Studies, Reports, and Evaluations..... | 98 |
| Priority Ranking..... | 99 |
| Detail of Permanent Positions by Category..... | 100 |
| Schedule of Motor Vehicles..... | 101 |
| Schedule of Aircraft..... | 103 |
| Summary of Change..... | 104 |
| Justification of Adjustments to Base..... | 105 |
| Summary of Requirement by Grade and Object Class..... | 110 |
| Summary of Reimbursable Resources: | |
| Summary of Requirements..... | 114 |
| Justification of Reimbursable Resources..... | 115 |
| Anticipated Collections, Deposits, and Receipts..... | 120 |

FEDERAL BUREAU OF INVESTIGATION



FEDERAL BUREAU OF INVESTIGATION

Salaries and Expenses

Summary Statement

Fiscal Year 1993

The Federal Bureau of Investigation is requesting a total of \$2,039,683,000 in budget authority, 22,245 permanent positions and 21,607 workyears in 1993. This would provide program increases of \$130,099,000 in funding, 360 positions and 91 workyears above the 1993 base level. Over and above the direct appropriation request, the FBI is seeking \$23,030,000 as an advance appropriation from the Department of Justice Assets Forfeiture Fund. It should be noted that, as an adjustment to the 1993 base, \$71,100,000 in funding, 578 positions, and 565 workyears were transferred from the FBI's general salaries and expenses appropriation account to a new Special Program appropriation account related to national security matters. With the increases requested as well as the transferred base resources in the Special Program appropriation, which is discussed below, the President's 1993 budget proposes a net increase for the FBI of \$216,621,000, 365 positions, and 400 workyears above the 1992 funding level. This budget request, exclusive of the Special Program, would provide a total of 9,595 Special Agent positions, including 206 new Special Agents. It proposes funding increases primarily devoted to the Fingerprint Identification, White-Collar Crime, Technical Field Support and Equipment, Drugs, and Violent Crimes and Major Offenders programs, reflecting a strong, continuing commitment to dedicate Federal law enforcement resources to the FBI's priority criminal investigative, counterintelligence, and law enforcement support missions.

The watershed geopolitical developments, graphically marked in 1990 by the fall of the Berlin Wall and later in 1991 by the dissolution of the Soviet Union, caused the FBI to scrutinize its allocation of resources between its counterintelligence and criminal investigative programs. While the developments in Eastern Europe and the Soviet Union bode well in the long run for vastly improved international relations, near term international stability is as tenuous as at anytime since World War II. The FBI's counterintelligence program has begun the arduous task of threat reevaluation and policy implementation ensuring a responsive counterintelligence investigation focus. Indeed, this scrutiny led to the transfer of \$71,100,000 in funding, 578 permanent positions, and 565 workyears to an account within the Special Program appropriation. This action recognizes the evolving nature of counterintelligence activities as the FBI responds to a new world order.

The diversity of investigative and counterintelligence responsibilities within the FBI's mission can at once present difficult challenges to management and, at the same time, afford great opportunity through versatility. Under normal circumstances the prioritization of scarce resources--against such adversaries as agents of foreign powers inimical to the United States' interests, organized crime figures, drug barons, unscrupulous financial institution executives, terrorists and violent gangs to name a few--can force very difficult decisions. The lessening of world tensions has, to a small degree, simplified this equation, allowing the FBI to reprogram Foreign Counterintelligence program resources to burgeoning domestic violent crime problems. During 1992, the FBI has proposed a reprogramming of \$21,283,000 in funding, 554 positions and 276 workyears from the Foreign Counterintelligence and Counterterrorism programs to the Violent Crimes and Major Offenders (VCMO) and the White-Collar Crime programs. This would be augmented in 1993 by an additional reprogramming action bringing these totals to \$34,714,000 in funding, 710 positions, and 692 workyears. These resources are designated principally for the VCMO program to implement the Safe Streets Initiative; this would amount to \$46,713,000 in funding, 607 positions, and 592 workyears. Generally, the FBI plans to marshal its base resources against violent criminals and, specifically, the intimidating threat of gang activity plaguing numerous metropolitan areas throughout the country. The White-Collar Crime program will focus \$8,001,000 in funding, 103 positions, and 100 workyears on the Health Care Fraud Initiative. This Nation's cost of medical care has escalated to a full 13 percent of GNP, and industry estimates peg false and fraudulent billings as potentially as high as 15 percent. An enhancement of the FBI's law enforcement efforts should deter such criminal conduct and aid the Governments' efforts to stem escalating medical expenses. In addition to the resources reprogrammed, this budget seeks 1993 enhancements of 35 Agent positions (9 workyears) and 23 general support positions (5 workyears) and \$3,645,000 for the Health Care Initiative.

Fingerprint Identification

The FBI's Fingerprint Identification program has long represented the quintessence of law enforcement cooperation. Agencies at every level, Federal, State and local, contribute data, which are relied upon to identify, and authoritatively distinguish, criminal offenders. Society as a whole has come to be just as heavily dependent on the program for licensing and employment purposes, ensuring that those in whom we place our trust haven't broken the law in some remote jurisdiction. However, in an age of ever advancing automated technology and data transmission, the Fingerprint Identification program can do so much more for its users. The FBI has undertaken the Relocation/Revitalization Initiative, which will serve this Nation's fingerprint identification users well into the twenty-first century with technology providing faster identification, greater unknown latent searching capability, more detailed subject information and, at the same time, heightened sensitivity to the privacy concerns of innocent citizens.

The Relocation/Revitalization Initiative will physically relocate the Fingerprint Identification Division to Clarkburg, West Virginia. Chronic employee turnover in the Washington, D.C., area has made it difficult to maintain a fully staffed Fingerprint Identification program. This shortfall has contributed to unacceptably high turnaround times for fingerprint searches. The chosen site for relocation should provide a personnel base adequate to sustain a stable work force.

For 1993 this budget includes \$100,000,000 for the Fingerprint Identification Relocation/Revitalization Initiative, which is a Presidential Priority automation project. In addition, \$3,400,000 is included to support systems development for the implementation of the Felon Identification in Firearms Sales Program. Ultimately, this effort will provide licensed firearms dealers the ability to ensure that customers are authorized to make such purchases.

Technical Field Support and Equipment (TFS&E)

Included for the TFS&E program are enhancements of \$17,704,000 in funding, eight Agent positions (three workyears) and 15 support positions (3 workyears). The primary emphasis of the TFS&E enhancement is countering technologies inhibiting the FBI's surreptitious entry capabilities. The FBI primarily uses this technique to penetrate locations targeted for court-ordered microphone surveillance. These entries not only service the FBI's needs, but also those of the Drug Enforcement Administration (DEA). Few, if any, locations frequented by FBI and DEA subjects would not be equipped with mechanical and electronic devices sensing unwanted intrusion and alerting subjects. Yet, microphone surveillance is so vital that these intrusion detection devices must be overcome. The associated funding and personnel would enable the FBI to conduct necessary supporting research and development ensuring safe, undetected entries and augment a staff currently unable to keep pace with the surreptitious entry demands being placed upon it.

This program also includes nonpersonnel funding supporting continued research and development in the field of digital telephony. Law enforcement is playing catch-up with the telecommunications industry's migration to this technology. As society as a whole expands the amount and types of data being transmitted electronically, so does the criminal element. This research and development would enable the FBI to intercept transmissions of any type without regard to its format, be it digital or analog. If electronic surveillance is to remain available as a law enforcement tool, hardware and software supporting it must be developed. The FBI is leading all United States law enforcement and counterintelligence agencies in developing the solution to this problem.

White-Collar Crime (WCC)

This budget includes an increase of \$14,154,000 in funding, 136 Agent positions (35 workyears) and 89 support positions (21 workyears). The WCC program has grown to be the largest of the FBI's investigative programs, primarily on the strength of the Financial Institution Fraud Initiative. This budget includes an additional 50 Agent positions (13 workyears) and 33 support positions (8 workyears) to continue this effort. While great strides have been made in prosecuting individuals criminally responsible for this insidious problem and forfeiting large sums of illicit proceeds, much work is yet to be done. The number of failed institutions continues to rise, and the degree to which criminality is a contributing factor is undiminished. Available investigative resources must be expanded to address these priority investigations in a timely manner, providing the best opportunity to prosecute responsible parties and identify illegal proceeds before they are no longer seizable.

This budget also includes personnel for the Health Care Fraud Initiative, as discussed above, and for Economic Crimes. The FBI requires 51 Agent positions (13 workyears) and 33 support positions (8 workyears) to investigate bankruptcy fraud, a growth area spurred by financial institution frauds, fraud by wire, and to develop computer fraud response capabilities.

Other Field Programs

Within Other Field Programs, the FBI will apply \$2,910,00 in funding and 24 Agent positions (6 workyears) to augment the Hostage Rescue Team (HRT). Currently, the Team's size is the smallest of any such force of major Western powers. With the increase, the HRT would have sufficient personnel to respond to a major incident, such as a hostage taking on a wide-bodied aircraft. It would also allow the team to respond to simultaneous incidents at remote locations. The many achievements to date of the HRT are attributable to planning to the minutest of detail and highly disciplined execution. Such discipline has yielded a clear understanding of the HRT capabilities. The Talladega Prison incident served as an excellent tool for assessing limitations. While the operation was an unqualified success, it provided a lesson in critical incident management clearly elucidating the need for the team's increased size.

Drugs Program

For the Drugs program, this budget will apply \$2,191,000 in funding, 21 Agent positions (six workyears) and 14 support positions (three workyears) toward improved intelligence gathering and synthesis. Through the concept of Regional Drug Intelligence Squads (RDIS) the FBI will roundout its nationwide intelligence network. This network was first established to gather information to predicate and develop Racketeering Enterprise Investigations (REI). These REIs in turn, served as the basis for targeting drug trafficking organizations, whose dismantling would cause the greatest disruption of illegal narcotics flow. The requested personnel would make this valuable investigative tool more widely available on a nationwide basis.

While not specifically a part of this budget, the FBI is also anticipating an increase of 66 Agent positions (17 workyears), 43 support positions (11 workyears), and \$5,971,000 in reimbursable funding under the Organized Crime Drug Enforcement (OCDE) program. These personnel will be dedicated to the Regional Action Initiative, placing investigative resources in those locations where major drug trafficking organizations are operating, but sufficient resources have not been brought to bear as they have been in the larger cities.

Organized Crime

This budget will apply \$2,389,000 in funding, 17 Agent positions (4 workyears) and 36 support positions (10 workyears) toward Asian Organized Crime investigations. Much has been written of late about the many successful criminal and civil actions against La Cosa Nostra (LCN). Much is left to be done, but at long last the LCN's grip on legitimate businesses, union organizations, and government interests is loosening. The vacuum created by these successes might easily be filled by a potentially much larger force from the Pacific Rim. Chinese Triads and the Japanese Boryokudan are at this time imposing themselves on legitimate United States interests by illegal means for illicit control. The potential risk is perhaps even greater than that posed by the LCN as the worldwide membership of these organizations is much larger. Language and culture also present significant barriers to successful investigation. To date, however, the degree to which these organizations have infiltrated legitimate enterprises is not comparable to the strangle hold the LCN had when the FBI first undertook that battle. With sufficient resources applied now the FBI would seek to thwart Asian Organized Crime's insinuation into the fabric of American society before it can be firmly established.

Program Decrease

This budget includes a one year reduction to base equipment accounts in the amount of \$12,649,000. It is being applied against the Technical Field Support and Equipment program (\$6,325,00) and the Automated Data Processing and Telecommunications program (\$6,324,000). The purpose of the decrease is to aid in meeting the targets imposed by the Budget Enforcement Act. The theory is that equipment maintenance can be stretched an additional year before replacement. Implementation of a new replacement cycle will emphasize replacing first the existing hardware which has already exceeded its expected useful life.

Conclusion

Crime problems are as great a concern to the citizens of the country as any issue they face on the domestic front today. The freedom to be safe in our homes, our streets, and our cities is being threatened. The very integrity of our financial apparatus is being called into question. The FBI plays a critical front line role in the fight to maintain this freedom from crime and to ensure trust in the boardrooms. Beyond this, the FBI plays a critical coordinating role for law enforcement efforts at all levels. This budget focuses existing resources and enhancements on the problem of preserving this freedom and trust. The support of the Congress will enable the FBI to rise to this challenge.

Federal Bureau of Investigation
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed (1,164) passenger motor vehicles of which [2,299] will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; [\$1,926,092,000], of which not to exceed \$25,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations shall remain available until September 30, (1993); of which not to exceed \$8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed (\$500,000) is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations; and of which (\$48,000,000) to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which \$1,500,000 shall be available to (establish) an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services; provided, That not to exceed \$45,000 shall be available for official reception and representation expenses.

(28 U.S.C. 524; 531-531-17; 18 U.S.C. 1052; 22 U.S.C. 4081; 4084; Department of Justice and Related Agencies Appropriations Act, 1992; additional authorizing legislation to be proposed.)

Explanation of changes

1. In support of the 1993 budget request, the FBI would require a total authority for purchase of not to exceed 2,670 passenger motor vehicles of which 2,075 are for replacement only. The proposed ceilings were determined to accommodate the planned direct purchases of new vehicles under this appropriation, the Special Program appropriation, as well as those required for the FBI's Organized Crime Drug Enforcement Task Force Program functions. The ceilings were determined based on the anticipated direct purchases of motor vehicles as depicted in the Schedule of Motor Vehicles.
2. An increase from \$500,000 to \$1,000,000 is requested in the funding ceiling available for payments to State and local law enforcement agencies that cooperate in investigations of various types. This funding allows the FBI to pay for such things as the overtime for State and local law enforcement officers working with FBI Agents on joint task forces. The requested increase in funding is associated with the extension of the language to include investigations relating to violent crimes. This investigative area has recently been enhanced through the reprogramming of personnel resources and represents a major initiative for which State and local cooperation is a key element.
3. No year authority is requested for a major project that would entail multi-year acquisitions. This reflects \$100,000,000 to continue the development of the Integrated Automated Fingerprint Identification System for placement at the new Identification Division facility being constructed in West Virginia.
4. A language change is required to continue funding for the Identification Division relocation and revitalization program office which was first established in the 1992 budget.

| Federal Bureau of Investigation | | | | | | | | | | | |
|---|---------------------------------|--------|-----------|---|-------|----------|---------------|------|----------|--------------------------------|--------|
| Salaries and expenses | | | | | | | | | | | |
| Crosswalks of 1992 Changes | | | | | | | | | | | |
| (Dollars in thousands) | | | | | | | | | | | |
| Activity/Program | 1992 President's Budget Request | | | Congressional Appropriation Actions on 1992 Request | | | Reprogramming | | | 1992 Appropriation Anticipated | |
| | POS | VTS | AMOUNT | POS | VTS | AMOUNT | POS | VTS | AMOUNT | POS | VTS |
| 3. State and Local Assistance | | | | | | | | | | | |
| a. General Law Enforcement | | | | | | | | | | | |
| Training..... | 261 | 253 | 922,546 | ... | ... | (610) | (42) | (40) | (12,648) | 219 | 213 |
| Forensic Services-Non-Federal..... | 102 | 99 | 10,332 | ... | ... | (212) | ... | ... | ... | 102 | 99 |
| Fingerprint Identification..... | 1,960 | 1,728 | 85,437 | 10 | 10 | 44,822 | (1) | (1) | (92) | 1,969 | 1,737 |
| Criminal Justice Base and Statistics Service..... | 183 | 179 | 10,774 | ... | ... | (228) | ... | ... | ... | 183 | 179 |
| Subtotal..... | 2,506 | 2,259 | 1,019,449 | 10 | 10 | 44,211 | (43) | (41) | (12,740) | 2,473 | 2,227 |
| 4. Program Direction | | | | | | | | | | | |
| a. Executive Direction and Control | 502 | 483 | 32,211 | ... | ... | (415) | (2) | (2) | 14 | 500 | 481 |
| b. Administrative Services..... | 842 | 821 | 34,969 | (9) | (5) | (340) | 36 | 36 | 1,404 | 871 | 854 |
| Subtotal..... | 1,344 | 1,304 | 69,180 | (7) | (5) | (995) | 36 | 36 | 1,418 | 1,371 | 1,335 |
| TOTAL | 22,319 | 22,083 | 7,021,217 | (856) | (310) | (95,125) | ... | ... | ... | 22,463 | 21,773 |

Appropriations Action: The 1992 Appropriation (PL 102-160) provided 660 positions, 332 workyears, and \$76,780,000 in program enhancements. The FBI had originally requested 1,516 positions, 793 workyears, and \$154,660,000. Base level reductions included a decrease of \$19,917,000 to GSA Rent and a reduction of \$1,306,000 for mandatory increases. Congress provided an additional \$49,500,000, 10 positions and 10 workyears to the fingerprint identification decision unit including \$8,000,000 for the image transmission network system pilot, \$40,000,000 for Integrated Automated Fingerprint Identification System concepts and demonstration awards, and \$1,500,000, 10 positions, and 10 workyears for an independent fingerprint identification program office.

Reprogramming: The reprogramming included target staffing level adjustments to address increased workload, reassignment of responsibilities, and support of new activities; the Suitability and Security Program reorganization which consolidated the security, physical security, and background investigation functions approved by Congress; and pending major personnel reprogrammings within Other Field Programs to the Violent Crimes and Major Offender and White-Collar Crime Programs for Violent Gang and Health Care Fraud Initiatives.

**Federal Bureau of Investigation
Salaries and Expenses
Activity by Employment
(Figure in thousands)**

| | 1992 | | 1993 | | 1994 | | 1995 | | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | |
|---|--------|------------|------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|
| | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. | Per- | Cent. |
| Adjustments to base: | | | | | | | | | | | | | | | | | | | | | | |
| 1992 as enacted | | | | | | | | | | | | | | | | | | | | | | |
| Advance appropriation from the Assets Forfeiture Fund Capital Surplus | | | | | | | | | | | | | | | | | | | | | | |
| Transfer to crime discretionary category | | | | | | | | | | | | | | | | | | | | | | |
| Transfer to crime discretionary category | | | | | | | | | | | | | | | | | | | | | | |
| Decreases | | | | | | | | | | | | | | | | | | | | | | |
| 1993 base | | | | | | | | | | | | | | | | | | | | | | |
| 22,443 | 21,773 | 91,924,092 | | | | | | | | | | | | | | | | | | | | |
| 576 | 545 | 21,000 | | | | | | | | | | | | | | | | | | | | |
| 300 | 268 | 112,743 | | | | | | | | | | | | | | | | | | | | |
| 27,449 | 27,586 | 1,932,811 | | | | | | | | | | | | | | | | | | | | |
| Estimation by Budget Activity | | | | | | | | | | | | | | | | | | | | | | |
| 1. Criminal, Security, and Other Investigations | | | | | | | | | | | | | | | | | | | | | | |
| 2. Intelligence Operations | | | | | | | | | | | | | | | | | | | | | | |
| 3. State and Local Assistance | | | | | | | | | | | | | | | | | | | | | | |
| 4. Program Direction | | | | | | | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | | | | | | | |
| 27,443 | 27,586 | 1,932,811 | | | | | | | | | | | | | | | | | | | | |
| EO 7 Employment: (FBI Salaries/Expenses) | | | | | | | | | | | | | | | | | | | | | | |
| Full-time permanent | | | | | | | | | | | | | | | | | | | | | | |
| Other | | | | | | | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | | | | | | | |
| 22,329 | 2,317 | 24,646 | | | | | | | | | | | | | | | | | | | | |
| 27,443 | 27,586 | 1,932,811 | | | | | | | | | | | | | | | | | | | | |

* Does not include resources for the "Special Program" revision.

**Federal Bureau of Investigation
Salaries and Expenses
Summary of Expenses by Program
(Collected in Thousands)**

| Estimate by Program | 1971 as Enacted | | 1972 as Enacted | | 1973 Base | | 1973 Estimate | | Increase/Decrease | | |
|--|-----------------|--------|-----------------|-------|-----------|--------|---------------|-------|-------------------|--------|-----------|
| | Perm. | Inv. | Perm. | Inv. | Perm. | Inv. | Perm. | Inv. | Perm. | Inv. | |
| Criminal, Security and Other Investigations: | | | | | | | | | | | |
| Organized Crime..... | 9,103 | 8,129 | 9,431 | 762 | 8,754 | 8,548 | 9,724 | 445 | 8,170 | 7,971 | 26 |
| Drugs..... | 1,703 | 1,505 | 1,477 | 116 | 1,771 | 1,701 | 1,511 | 367 | 1,824 | 1,715 | 53 |
| Unlabeled Crime..... | 1,435 | 1,451 | 1,457 | 114 | 1,716 | 1,673 | 1,698 | 1,583 | 1,751 | 1,707 | 53 |
| White-Collar Crime..... | 1,632 | 1,129 | 1,717 | 279 | 1,672 | 1,016 | 1,523 | 158 | 1,678 | 1,247 | 431 |
| Subtotal..... | 16,873 | 13,224 | 17,984 | 1,271 | 16,472 | 16,038 | 15,463 | 1,441 | 17,423 | 15,640 | 1,783 |
| Investigative Support: | | | | | | | | | | | |
| Training..... | 361 | 357 | 28,441 | | 366 | 355 | 35 | 335 | 366 | 355 | 37,272 |
| Forensic Services - Federal..... | 358 | 328 | 20,358 | | 358 | 347 | 32,129 | | 358 | 347 | 32,129 |
| ADP..... | 497 | 481 | 137,540 | | 497 | 485 | 142,542 | | 497 | 485 | 136,218 |
| Information Management..... | 739 | 698 | 39,811 | | 739 | 617 | 44,609 | | 739 | 617 | 44,609 |
| Training..... | 1,195 | 1,183 | 20,521 | | 1,195 | 1,183 | 20,521 | | 1,195 | 1,183 | 20,521 |
| Subtotal..... | 2,150 | 2,013 | 207,271 | | 2,150 | 2,107 | 217,280 | | 2,150 | 2,107 | 217,280 |
| State and Local Assistance: | | | | | | | | | | | |
| General Law Enforcement Training..... | 219 | 213 | 18,592 | | 219 | 213 | 20,618 | | 219 | 213 | 20,618 |
| Forensic Services - Non-Federal..... | 1,472 | 1,464 | 70,453 | | 1,472 | 1,464 | 70,453 | | 1,472 | 1,464 | 70,453 |
| Criminal Justice Data and Statistics Services..... | 185 | 179 | 10,081 | | 185 | 179 | 10,081 | | 185 | 179 | 10,081 |
| Subtotal..... | 1,876 | 1,771 | 99,126 | | 1,876 | 1,771 | 99,126 | | 1,876 | 1,771 | 99,126 |
| Program Direction: | | | | | | | | | | | |
| Executive Direction and Control..... | 500 | 476 | 29,903 | | 500 | 481 | 33,434 | | 500 | 481 | 33,434 |
| Administrative Services..... | 871 | 853 | 2,223 | | 871 | 853 | 41,437 | | 871 | 853 | 41,437 |
| Subtotal..... | 1,371 | 1,329 | 32,126 | | 1,371 | 1,334 | 74,871 | | 1,371 | 1,334 | 74,871 |
| Total..... | 21,443 | 20,442 | 1,000,361 | | 21,443 | 20,442 | 1,030,486 | | 21,443 | 20,442 | 1,030,486 |
| Relinquishable Workyears..... | 2,499 | 2,499 | | | 2,499 | 2,499 | | | 2,499 | 2,499 | |
| Total Workyears..... | 2,499 | 2,499 | | | 2,499 | 2,499 | | | 2,499 | 2,499 | |
| Other Workyears: | | | | | | | | | | | |
| Holiday..... | 89 | 89 | | | 89 | 89 | | | 89 | 89 | |
| Overtime..... | 2,200 | | | | 2,225 | | | | 2,241 | | |
| Other..... | 220 | | | | 220 | | | | 220 | | |
| Total Compensable Wks..... | 24,752 | 20,521 | 1,030,486 | | 24,752 | 20,521 | 1,030,486 | | 24,752 | 20,521 | 1,030,486 |

* Does not include resources for the Special Program revision.

Federal Bureau of Investigation

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

| | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|-----------------|--------|-----------|--------|---------------|--------|-------------------|----|
| | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY |
| Activity: Criminal, Security, and Other Investigations | 8,756 | 8,588 | 8,756 | 8,588 | 8,178 | 7,971 | 24 | 6 |
| Other Field Programs.. | 1,771 | 1,701 | 1,771 | 1,701 | 1,824 | 1,715 | 53 | 14 |
| Organized Crime..... | 1,716 | 1,673 | 1,716 | 1,698 | 1,751 | 1,707 | 35 | 9 |
| Drugs..... | 4,229 | 4,076 | 4,253 | 4,158 | 4,478 | 4,214 | 225 | 56 |
| White-Collar Crime.... | 16,472 | 16,038 | 15,894 | 15,522 | 16,231 | 15,607 | 337 | 85 |
| Total..... | | | | | | | | |

This budget activity includes resources for managing and coordinating field investigations and resources for all field investigative operations for the FBI. The operations are conducted out of 56 field offices and approximately 400 resident agencies located throughout the United States, Puerto Rico, the U.S. Virgin Islands, Guam, and Saipan. Field offices are responsible for all investigations including the national priority law enforcement areas of organized crime, drugs, white-collar crime, counterterrorism, violent crime, and foreign counterintelligence. This activity also includes civil rights investigations, applicant matters, and the field legal attaches program.

| | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------|-----------------|-------|-----------|-------|---------------|-------|-------------------|----|
| | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY |
| Other Field Programs.. | 8,756 | 8,588 | 8,154 | 7,965 | 8,178 | 7,971 | 24 | 6 |

Long-Range Goal: To reduce the incidence of violent criminal activity; to conduct appropriate applicant, civil rights, and fugitive investigations as directed by law and the Attorney General; and to counter within the United States the hostile activities of foreign intelligence officers, agents, and terrorists.

Major Objectives:

- To effectively recruit, process, investigate, and appoint the most qualified individuals available to meet the internal staffing needs of the FBI.
- To conduct thorough, penetrative, and timely background investigations on candidates for appointment by and employment with the White House, the Department of Justice (DOJ), certain Congressional committees, and other Federal agencies.
- To investigate (based upon self-initiation or at the request of the Attorney General) alleged violations of various civil rights statutes and provide the results of civil rights investigations to the Department of Justice for prosecutive action or referral to another Federal agency for appropriate action.
- To enhance the quantity and quality of intelligence on domestic and international terrorists through improved collection and analytical techniques.
- To implement and maintain an Infrastructure Vulnerability/Key Asset program which addresses potential and actual acts of terrorism directed against key assets of the U.S. infrastructure.
- To investigate threats, assaults, kidnappings, or assassinations of the President, Vice President, members of Congress, and other designated Federal officials and law enforcement officers. To investigate kidnappings, the sexual exploitation of children, extortions, crimes aboard aircraft, bank robberies, and other violent crimes under FBI jurisdiction, including all such crimes perpetrated through gang violence.
- To locate and apprehend state and local fugitives charged, under the Fugitive Felon Act, with unlawful flight to avoid arrest, prosecution, or confinement. To locate and apprehend United States military personnel who desert under aggravated circumstances.
- To investigate serious violent and major property crimes committed on Indian reservations, Federal penal institutions, and United States Government property. To investigate thefts of Federal Government property, funds, weapons, and explosives from Federal buildings, supply depots, and installations.
- To identify and investigate individuals and organized groups involved in interstate shipment theft, interstate transportation of stolen property, motor vehicle theft rings, fencing of stolen goods, and other Federal property crimes.
- Base Program Description: Other Field Programs is the FBI's largest investigative program in the Criminal, Security, and Other Investigations budget activity. The program consists of several diverse investigative activities which include violent crimes, interstate theft crimes, crimes on Indian and Government reservations, state and local fugitives, civil rights matters, and other security-related investigations.

The FBI is the lead Federal agency in the area of Civil Rights enforcement, with responsibilities in this area among the most serious it possesses, concentrating primarily on investigations of police misconduct and racial violence. FBI guidelines require that every case having any merit be timely and vigorously investigated; and FBI field offices have been tasked with thorough, investigating these matters.

The Special Agent and Support Applicant Unit (SASAU) performs the hiring function for all Special Agent, specialty, and general support personnel within the FBI. This involves the processing of applications, coordination of testing and evaluation procedures, evaluation of all applicants for a final hiring decision, and notification of final employment action. In addition, the Unit has handled the summer employment program for children of FBI employees at Headquarters and selected field offices. This Unit is also responsible for all correspondence dealing with past and/or potential employees, as well as answering Congressional inquiries regarding prospective employees.

As the lead Federal agency for combatting terrorism in the United States, the FBI's Counterterrorism Program has the dual mission of preventing and reacting to violent acts and other criminal activities of terrorists and their organizations operating in the United States. The FBI's efforts to prevent terrorism involve obtaining intelligence information on terrorist groups that pose a threat to the Nation. Once sufficient evidence of violations of the law is accumulated, the FBI will strive to arrest the terrorists before they can commit acts of violence. Should a terrorist incident occur, the FBI responds by initiating an investigation of the crime using law enforcement methods designed to successfully apprehend and convict the terrorists responsible for criminal acts of terrorism. The FBI is also prepared to respond to terrorist acts in progress through the use of Special Weapons and Tactics (SWAT) teams or the Hostage Rescue Team (HRT).

As a result of P.L. 102-27 (the Desert Shield/Desert Storm Supplemental), the Counterterrorism Program received an additional 39 International Counterterrorism field Agent positions (19 workyears) and \$3,855,000 in one-year funding for counterterrorism activities.

As a result of the FBI's Health Care Fraud Initiative, 25 Agent and 18 support positions and \$3,467,000 are being reprogrammed from Domestic Counterterrorism to White-Collar Crime over the 1992 - 1993 time-frame.

For 1993, a new appropriation entitled "Special Program" is requested for newly established initiatives and ongoing functions conducted by the FBI designed to protect national security. These functions include field investigations, field support activities, headquarters management and coordination, and technical support. This new appropriation is being initiated with base level funding totalling 578 positions (including 354 Agents), 565 workyears, and \$71,100,000 from the FBI's Salaries and expenses appropriation.

The Violent Crimes and Major Offenders portion of Other Field Programs encompasses four major subprograms. Those subprograms are Violent Crimes, Interstate Theft, Government Reservations Crimes, and Fugitive Investigations. The Violent Crimes Subprogram investigates offenses involving the threatened or actual injury or loss of life against an individual including threats against the President, Vice President, executive department heads, Supreme Court Justices, members of Congress; bank robberies; kidnappings of U.S. citizens; extortions; tampering with consumer products; theft of

controlled substances; aircraft hijackings; gang-related violence; and matters involving the sexual exploitation of children under the White Slave Traffic Act and Interstate Transportation of Obscene Matters Statutes. The Interstate Theft Subprogram investigates thefts from interstate shipment, interstate transportation of stolen property including motor vehicles, individuals and groups engaged in such activities, and fences dealing in stolen property. The Government Reservation Crimes Subprogram investigates serious violent and major property crimes committed on Indian reservations and United States Government property, including major Department of Defense installations, civilian agency buildings and sites, national parks and recreational areas, and Federal penitentiaries. The Fugitive Subprogram assists State and local law enforcement agencies seeking felons who cross state boundaries to avoid prosecution or confinement.

On January 9, 1992, the Attorney General and FBI Director announced a reprogramming of 475 positions (including 300 Agents), 236 workyears, and \$18,148,000 in 1992 and an additional 132 positions (including 85 Agents), 356 workyears, and \$28,565,000 in 1993 from the Foreign Counterintelligence Program into the Violent Crime and Major Offenders Program in support of the Violent Gang Initiative. This reprogramming over the 1992-1993 time frame will substantially increase resources in this area. These resources would be used to investigate violent street crime and gang-related violence in major cities in cooperation with other Federal, State, and local law enforcement officials. According to the Uniform Crime Report, violent crimes in the United States increased by 10 percent in 1990 after increasing by over 21 percent from 1986 to 1989. In 1991, the FBI used 1,556 Agents to investigate violent crimes. Over the 1992 - 1993 time-frame, this reprogramming will add 25 percent to the existing 1991 level of agents used for violent crimes.

The rapid increase in violent crime in the United States requires the FBI to undertake a strategy to intensify the assault on violent crimes. This strategy includes the task force concept. The FBI's use of task forces has been very successful in maximizing Federal, State and local resources in addressing violent criminal offenders. The main benefits of joint task forces are: maximizing budgetary resources; avoiding duplication of investigative efforts in matters of concurrent jurisdiction; and expanding cooperation and liaison with other law enforcement agencies. These joint task forces are a key part in the Department of Justice's initiative to combat the rise of violent crimes, most prominent of which are gang violence, bank robbery, kidnapping, extortion, armed robbery, drug-related crime, vehicle theft, and the location of violent fugitives.

Accomplishments and Workload: The statistical accomplishments and workload estimates for Other Field Programs is presented in the following tables and narrative:

| | Estimates | |
|---|-----------|--------|
| | 1992 | 1993 |
| FBI Applicant Matters: | | |
| General/Specialty Support | | |
| Employees Hired* | 931# | 2,090# |
| Special Agent (SA) Entrance | | 1,980# |
| Examinations Processed | 9,422 | 11,440 |
| * Includes 500 hires for the Revitalization and Relocation of the Identification Division to West Virginia in 1992. | | ... |
| # Includes 600 hires each year for the Summer Internship and Honors Internship Programs. | | ... |

Estimates 1992

1992

1991

1990

SA Interviews Processed 3,215 3,334 ...
SA Language Tests Processed 1,324 985 1,500
SA Accounting Tests Processed 524 1,023 1,000
SA Hires 527 673 320*** 672

** As of October 22, 1991, the FBI was instructed not to use the Special Agent Entrance Examination for Agent applicant processing. A new testing system is in development, and it is anticipated that it will be 12 to 18 months before a new testing device is available for use. Interviews will be conducted on individuals who submitted applications for employment by October 22, 1991 and are eligible for further processing.
*** Due to bringing additional agents on board in 1991 and fewer than anticipated retirements and separations, the 1992 agent hiring plan for agents has been reduced.

Currently, there are 20 full-time Special Agent Regional Recruiters managed directly by the Personnel Resources Unit, a 20 percent increase over prior years. Recruitment objectives have changed over the years and recruitment activities are more programmatic. The Minority Speakers Bureau has increased to 111 Special Agent participants and the number of recruitment seminars, forums, and conferences attended by Recruiters and Minority Agents has significantly increased (to approximately 70 each year). The FBI's Honors Intern Program continues to grow and the volume of applications has increased (to approximately 300 each year). The FBI's Honors Intern Program continues to grow and the volume of applications has increased significantly over prior years to approximately 300 applications per year for review. The number of participants has increased to approximately 50, from the 20 to 40 interns employed in previous years.

Estimates 1991

1991

1990

Non-FBI Applicant Program:
Investigative Matters Received 11,410 14,902 15,000
Reimbursable Applicant (except DEA) 32,291 23,965 24,000
Nonreimbursable Applicant (except FBI Applicant)* 43,701 38,867 39,000
Total Investigative Matters Received

Investigative Matters Completed
Reimbursable Applicant (except DEA) 10,293 13,523 13,550
Nonreimbursable Applicant (except FBI Applicant)* 27,867 19,611 19,650
Total Investigative Matters Completed 38,160 33,134 33,200

* Investigative Matters Received include matters pending at the beginning of period. 1991 Matters Received and

Completed reflect a decrease due to a change in applicant matters regarding the U.S. Attorneys Office (USAO). These matters were transferred from direct to reimbursable funding and the USAO eventually transferred their Applicant requests to the Office of Personnel Management for processing.

| | Estimates | | |
|--|-----------|-------|---------|
| | 1990 | 1991 | 1992 |
| Civil Rights Program: | | | |
| Investigative Matters: | | | |
| Civil Rights Investigative Matters | 5,441 | 6,125 | 6,125 |
| Civil Rights Investigative Matters Completed | 5,330 | 5,824 | 5,824 |
| Judicial Processes Initiated: | | | |
| Complaints | 16 | 15 | 15 |
| Informations | 36 | 28 | 28 |
| Indictments | 48 | 80 | 80 |
| Total Judicial Processes Initiated | 100 | 123 | 123 |
| Arrests: | | | |
| Convictions: | 60 | 44 | 44 |
| Misdemeanors | 34 | 23 | 23 |
| Felonies | 59 | 115 | 115 |
| Total Convictions | 93 | 138 | 138 |
| Fines, Savings, Recoveries (\$000) | \$31 | \$64 | \$64 |
| Counterterrorism: * | | | |
| Terrorist Incidents | 7 | 5 | 5 |
| Persons Killed | ... | ... | ... |
| Persons Injured | ... | ... | ... |
| Investigative Matters | | | |
| Domestic Terrorism | | | |
| Pending (Start of Year) | 1,420 | 1,298 | 1,218** |
| Opened | 4,070 | 3,252 | 3,484 |
| Closed | 4,041 | 3,332 | 3,370 |
| Pending (End of Year) | 1,449 | 1,218 | 1,132 |

* An HRT enhancement would not change any of these categories since these do not represent the Team's workload. This estimate is predicated on full usage of International Counterterrorism resources.

** Domestic Counterterrorism fugitive matters moved to the Violent Crime/Major Offenders Program at the end of 1990.

Counterterrorism (cont.)

| | Estimates | |
|--|-------------|-------|
| | 1991 | 1992 |
| Title III Requests | | |
| - Initial | 1 | 2 |
| - Renewal | 1 | 1 |
| Informations/Indictments | ... | 1 |
| Arrests and Locates | 98 | 105 |
| Convictions | 125 | 124 |
| Pretrial Diversions | 50 | 54 |
| Terrorist Incidents Prevented | 4 | 5 |
| Potential Economic Loss Prevented(\$000) | \$17,640*** | \$100 |

*** The size of the Potential Economic Loss Prevented in 1991 is directly attributable to the Counterterrorism Program's successful efforts in apprehending terrorists who had intended to destroy facilities of the Internal Revenue Service and other public and private property.

Violent Crimes and Major Offenders:

Investigative Matters (IMs):

Received
Completed

ACCOMPLISHMENTS:

Complaints Filed
Informations Filed
Indictments Returned
Subjects Arrested
Subjects Located
Recoveries/Restitutions
Potential Economic Loss Prevented
Federal Convictions/Pretrial Diversions
Federal Fines
Local Arrests
Local Convictions/Pretrial Diversions
Local Fines

An ongoing investigation, initiated in November 1989, targets a prominent gang, the "R Street Crew", which controls open-

air drug markets in Washington, D.C. Gang members have been responsible for numerous murders and serious assaults, helping contribute to the high rate of violence in the Washington metropolitan area. This investigation, which is a cooperative effort with the Washington, D.C. Metropolitan Police Department, known as "Operation Safe Streets," has resulted in the arrest of approximately 50 gang members, indictment of 35 persons, and conviction of 13 for offenses ranging from murder to drug distribution.

On October 9, 1990, five Upper Darby, Pennsylvania, police officers were charged with conspiracy and Color of Law violations in connection with the beatings of a father and son. On September 26, 1988, the subjects, including a sergeant and several officers of the Upper Darby Police Department, who were off duty and out of uniform, went to the Smith residence after learning of a fight between victim Ed Smith, Jr. and the sergeant's daughter. Upon arrival at the Smith home, the subjects identified themselves as police officers and began pushing their way inside the house. As Ed Smith, Sr. began to close the door, he was pulled outside, hit in the head and body, forced to the ground and handcuffed. Ed Smith, Jr. was then struck over the head with a blackjack before being handcuffed. He was taken outside to the front lawn, forced to his knees and struck numerous times with fists and a blackjack while handcuffed and being held by three uniformed officers who had arrived on the scene. Smith Jr. suffered contusions to the ribs, head, and wrist, and a laceration to the forehead which required stitches to close. Smith Sr. suffered contusions to the shoulder, neck, and knee as a result of the beatings. Both Smiths were acquitted of all criminal charges at the state level. On October 9, 1990, a nine count indictment was returned charging the police officers with violations of "Conspiracy Against Rights" and Title 18, U.S.C. Section 242 (Deprivation of Rights Under Color of Law) and the filing of false statements to conspire to cover up the beatings of the Smiths. On May 28, 1991, all five subjects were convicted, pursuant to trial and have received sentences from two to five years.

On May 7, 1991, in Shreveport, Louisiana, eight crosses were burned on the lawns of two predominantly black elementary schools, the local headquarters of the National Association for the Advancement of Colored People, in the yard of a black family, at a local integrated church, at the Federal building, and at various other public places. These burnings were done at the direction of the Grand Dragon, who is believed to be the highest ranking official of the Ku Klux Klan (KKK) in the state of Louisiana. A number of additional state KKK officials were also subjects. The crosses were burned to intimidate both the local black community and the Federal Government and to retaliate for the incarceration of the Grand Dragon on an unrelated weapons charge. To date, all fourteen subjects, including the Grand Dragon of the KKK for the state of Louisiana, have pled guilty to various civil rights violations and are awaiting sentencing.

On August 17, 1990, the FBI's Criminal Investigative Division (CID) began contracting out background investigations to former Federal investigators (known as Special Investigators (SI's)). In the Washington Metropolitan area, utilizing the services of 17 SI's. By October 1990, the Background Investigations Contract Services (BICS) program had expanded to five field offices. By October 1991, the BICS program closed in excess of 700 full field background investigations (SI's), at a contract program cost of approximately \$518,000, of which \$214,000 was reimbursed to the FBI from other Federal agencies. During the first quarter of 1992, BICS has closed 504 full field SI's at a contract cost of \$236,000. BICS is currently contracting out 15 different types of background investigations and utilizing the services of 116 SI's in one region consisting of five field offices. The FBI is presently planning the establishment of four additional BICS regions

on the East Coast of the United States by the end of 1992.

Since 1986 and through 1991, 193 Identification Orders were issued and 142 Identification Order fugitives were arrested. Identification Orders are flyers that are issued on the most important fugitive cases involving individuals who have been convicted or charged with crimes of a more serious nature having considerable public interest. In this same time period, 31 hard-core and violence prone criminals in the "Ten Most Wanted Fugitives Program" were apprehended. To solve the violent and property crimes which constitute the Violent Crimes and Major Offenders Program and apprehend the criminals responsible, the use of Identification Orders, the "Top Ten Program," and other investigative techniques, such as undercover operations; Title III and other electronic surveillance techniques; extensive physical surveillances; the National Bank Robbery Album; and the Fugitive Bank Robber Program are consistently and effectively utilized.

On July 11, 1991, Dean Harvey Hicks was arrested after an FBI investigation into bombing attacks on Internal Revenue Service (IRS) buildings. The investigation began on April 1, 1991, when numerous improvised explosive devices detonated in the parking lot area and roof of the IRS center in Fresno, California. The FBI uncovered evidence which led to Hicks' arrest in connection with this incident. He was charged with seven interrelated bombings/attempted bombings of IRS Service facilities in the Los Angeles and Fresno, California, areas. On August 14, 1991, Hicks pled guilty. Sentencing is set for January 1992.

On August 30, 1991, the HRT, supported by FBI SWAT and Bureau of Prisons (BOP) Special Operations Response Teams, rescued 11 BOP and Immigration and Naturalization Service employees at the Talladega, Alabama, Federal Correctional Institution, who had been taken hostage by inmates opposing repatriation to Cuba. The inmates took over part of the complex on August 21. The HRT deployed on August 22. The HRT began its rescue operation after then Acting Attorney General William Barr determined that further delay would result in injury to hostages, inmates, and rescue personnel. One inmate received minor injuries in the assault. No hostages or rescue personnel were harmed.

On November 14, 1991, the U.S. Department of Justice announced formal criminal charges against two Libyan intelligence operatives for the December 1988, bombing of Pan Am Flight 103. This bombing resulted in the death of 270 persons in the aircraft and on the ground near Lockerbie, Scotland, including 189 U.S. citizens. A 193-count indictment was released charging two Libyan nationals, Abdel Bassem Ali Al-Megrahi and Lamen Khalifa Fhimah, with the following: Conspiracy to Destroy a Civil Aircraft of the United States; Conspiracy to Destroy a Vehicle Used in Foreign Commerce by means of an Explosive; Conspiracy to Kill Nationals of the United States; Destroying a Civil Aircraft; Destroying a Vehicle Used in Foreign Commerce by Means of an Explosive; Killing Nationals of the United States, and Aiding and Abetting.

As a result of a national security investigation using electronic surveillance, the FBI developed criminal evidence that Zein and Maria Isa had fatally stabbed their 16-year-old daughter, Palestina, on November 6, 1989, in their St. Louis, Missouri, apartment. These tapes revealed telephone conversations indicating the premeditated murder of Palestina, as well as the deadly struggle itself. The FBI subsequently provided this evidence to the St. Louis District Attorney's office to assist in the prosecution of Zein and Maria Isa. On October 10, 1991, the murder trial of Zein and Maria Isa began. On October 25, 1991, both Zein and Maria Isa were found guilty of first-degree murder; on December 19, 1991, both

Zein and Maria Isa received the death penalty.

In 1990, the Salt Lake City field office initiated an undercover operation (UCO) entitled "SALTIC" as a proactive response to the serious fugitive problem that exists in the Salt Lake City area. SALTIC targets Federal, State, and local fugitives who are repeat violent crime offenders, drug traffickers, or escapees. SALTIC has been enormously successful, reporting 362 arrests and 208 Federal Unlawful Flight to Avoid Prosecution (UFAP) complaints since its inception on July 12, 1990, as a Group II UCO. While a Group II UCO, SALTIC averaged 12 arrests every 30 days; since it became a Group I UCO on January 23, 1991, SALTIC has been averaging more than 20 arrests every 30 days. The UCO is a joint effort involving the FBI, the Salt Lake County Sheriff's Office, the Salt Lake City Police Department, the West Valley City Police Department, and the Utah Department of Corrections.

Steven Carrie Blumberg was apprehended by the FBI on March 11, 1991. The investigation of Blumberg, a "Top Thief Target", resulted in the recovery of over 22,000 stolen rare books and manuscripts, plus a large number of other stolen antiques valued at over \$25 million. Investigation by the Omaha Division determined that over the last 15 to 20 years, Blumberg crisscrossed the United States stealing rare books and manuscripts from university and college libraries. Blumberg gained entry to the rare books and secure access areas of the libraries during daylight hours by posing as a research professor from the University of Minnesota, and during the nighttime through conventional burglary methods. Blumberg stole materials from over 474 university and college libraries in 45 States, the District of Columbia, and Canada. Stolen items recovered during an FBI search included highly valuable books from the 14th and 15th Centuries, a large number of books from the Connecticut State Library, including some of the earliest printed books in America, and a large collection of manuscripts which document the settlement of the West. In July 1991, Blumberg was found guilty on all counts in the U.S. District Court of Southern Iowa and in August 1991, was sentenced to five years and eleven months imprisonment.

During the Spring of 1991, the Albuquerque Division investigated an infant abduction from a hospital. A command post, comprised of FBI Agents and local police, was immediately set up at the FBI's Las Cruces Resident Agency (RA). An enormous number of leads were generated which required an expeditious response. The subject drove the victim from New Mexico to Minneapolis, Minnesota. A logical route was mapped out which required four additional FBI offices to become involved. This investigation lasted 14 days and utilized 19 Special Agents. The subject was arrested and the victim returned unharmed.

| Program Changes: | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | | |
|---------------------------|-----------|-------|-----------|---------------|-------|-----------|-------------------|----|---------|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount |
| Other Field Programs..... | 8,154 | 7,965 | \$723,445 | 8,178 | 7,971 | \$726,355 | 24 | 6 | \$2,910 |

The Counterterrorism Program requests an enhancement of 24 Agent positions (6 workyears) and \$2,232,000 for the HRT and \$678,000 for an addition to the HRT building. The funds for the HRT building expansion are requested to remain available

until expended.

Hostage Rescue Team: 24 Agent positions (6 workyears) and \$2,232,000.

The HRT, since its inception in 1983, the HRT has remained the credible counterterrorist group among Western nations, responsible for the largest geographic area. The HRT is funded for 51 Agents and 10 support. In the past eight years, the Team's capabilities and tactical sophistication have increased greatly and the Team is now considered a national asset.

The HRT must be adequately staffed, trained, and equipped "...to deploy to any location within four hours of notification by the FBI Director or his designee, and conduct a successful rescue of U.S. persons and others who may be held illegally by a hostile force, either terrorist or criminal in nature. The HRT will additionally be prepared to deploy to any location and perform other law enforcement activities as directed by appropriate authorities" (HRT Mission Statement).

In order for the HRT to reach its full potential, it must be increased from 51 to 75 Agents. An increase of 24 Agent positions would provide the HRT with enough operators to provide sufficient Sniper/Observer (S/O) coverage at crisis sites and the ability to assault a wide body aircraft. With this increase, the HRT could respond to multiple incident sites and larger targets such as cruise ships or oil rigs. This enhancement would also permit the establishment of a training wing to provide critical, increasingly specialized, team training. Local and State police SWAT teams and allied foreign tactical teams would share in this enhanced training. This increase in the HRT staffing will also provide the HRT with the flexibility to support FBI Headquarters responsibilities for airport security, the Infrastructure/Key Assets Program, and Special Events Management surveys, without reducing the Team's tactical capability. This enhancement would also ensure that the Team has adequate resources for overseas deployment. The request also includes \$380,000 for the purchase of equipment and \$87,000 for rental of a second C-141 transport aircraft.

The HRT is currently organized into two sections each with 21 operators. To storm a hijacked wide-body aircraft, all but two of the operators would have to be used for entry, including the S/Os. With all team members present, two S/Os, four staff members, two Supervisory Special Agents, and the HRT's Assistant Special Agent in Charge (all trained operators) would have to fill some of the S/O and ladder-holder positions, thus reducing command and control. Even using the HRT staff and management personnel, the Team would still be short nine operators.

In order for the HRT to deploy abroad to resolve hostage situations involving Americans, the Team would have to be self-reliant for operational support and security. The Team must also have enough members to conduct the assault. Therefore, a personnel increase would ensure the Team has the "in-house" capability for an overseas deployment. The overseas deployment capability would be enhanced at a time when the threat to U.S. citizens abroad remains high. The HRT must have this enhancement to counter the increasingly sophisticated terrorist threat. All of this emphasizes the need for 24 additional HRT operators and associated funding.

HRT Building Addition: \$678,000

An expansion of approximately 6,000 square feet must be built next to the existing HRT Administration and Operations Center at the FBI Academy, Quantico, Virginia. The building addition would consist of a reinforced concrete foundation, structural steel frame, matching exterior, and climate controlled interior.

This addition would ensure a secure working environment for the HRT. The current space is crowded and inadequate, lacking space for the Team's current complement, as well as the additional 24 Agents requested for 1993, and all of the HRT's equipment. This addition would ensure that equipment is stored properly and ready for quick deployment.

Architectural/Engineering Fees of \$80,000 would include preliminary design, design development, contract preparation, and construction administration. Construction costs of \$598,000 would include site preparation, connection to utilities, construction, heating/air conditioning, finished interior, and contingency costs.

| | 1992 as Enacted | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|----------------------|-----------------|-------|-----------|------------|-------|-----------|---------------|-------|-----------|-------------------|----|---------|
| | Perm. Pos. | MY | AMOUNT | Perm. Pos. | MY | AMOUNT | Perm. Pos. | MY | AMOUNT | Perm. Pos. | MY | AMOUNT |
| Organized Crime..... | 1,771 | 1,701 | \$144,844 | 1,771 | 1,701 | \$151,387 | 1,824 | 1,715 | \$153,776 | 53 | 14 | \$2,389 |

Long-Range Goal: To eliminate La Cosa Nostra (LCN) and other organized crime groups as significant threats to American society through sustained, coordinated investigations that support successful prosecutive action.

Major Objectives:

To penetrate the hierarchy of the LCN and other organized crime groups by identifying the leadership and membership of these groups in an effort to determine their complicity in criminal activity as well as determine the extent of interrelationships among the LCN families and other organized crime groups, thereby developing successful prosecutions for specific violations of Federal statutes, including the Racketeer Influenced and Corrupt Organizations (RICO).

To further determine the extent of influence and control the LCN has established within the legitimate labor union community in the United States, and continue to pursue investigations against the LCN through an aggressive and successful Labor Racketeering Program within the FBI that would eliminate this control and have a positive impact upon the nation's economy.

To insure that the capabilities of the Organized Crime Information System (OCIS) enable the FBI to collate the vast quantity of information concerning organized criminal activity so that complex associations between members of organized criminal groups may be identified.

To use the civil provisions of the RICO statute in order to rid the labor movement of the debilitating influence of the LCN, while simultaneously removing a major financial and political resource of the LCN.

To initiate and conduct investigations into the illegal activities of Asian Organized Crime, Italian Organized Crime, and other organized crime groups.

To maintain a national intelligence base which would consist of quality, high level informants to penetrate the organizational structure and operations of organized crime groups; develop cooperating witnesses to provide first hand testimony as to the day-to-day operations of these illegal organizations and sponsor their subsequent entry into the Witness Security Program if necessary; and liaison efforts with other law enforcement agencies.

To provide overall coordination and management oversight of efforts relating to the use of sophisticated and sensitive investigative techniques including court approved Title-III intercepts, consensual monitoring, undercover operations, aircraft and physical surveillances, and to perform a wide variety of administrative and investigative support functions.

To enhance liaison and cooperation with members of the Intelligence Community, Interpol, and friendly foreign services.

To enhance special investigative techniques and administrative operations in support of criminal investigations, by expanding the special operations capability, including the integrated functions of surveillance, aircraft operations and technical support, to every FBI field office.

Base Program Description: The primary focus of the FBI's Organized Crime Program is the illegal activities of the LCN, Asian Organized Crime (AOC) and Italian Organized Crime (IOC) groups. These groups affect the social, financial and political framework of American society by directing and/or becoming involved in labor racketeering, corruption of public officials, illegal infiltration of legitimate business, extortion and related violence, loansharking, illegal gambling, drug trafficking and gangland slayings. There are few businesses or industrial sectors in American society that are not affected by organized crime groups.

Recent investigations focusing on the criminal activities of the 24 LCN families have developed information which reinforces earlier information which has indicated that four major labor unions (International Brotherhood of Teamsters-IBT, International Longshoremen's Association-ILA, Laborers' International Union of North America-ILUNA, and Hotel Employees and Restaurant Employees International Union-HEREU) within the United States are being influenced or directed in an illegal manner by the LCN. The evidence presented in these cases has demonstrated that the LCN's influence in labor unions allows for the disruption of competitive free markets in various industries such as concrete, construction, trucking, and air freight.

The recent successes against the LCN can be attributed to the evolution of the Enterprise Theory of Investigation. This approach requires that separate investigations conducted against individual members of a specific group or family be combined for prosecution, using both the criminal and civil provisions of RICO. Under this approach, the group or family

is named as the enterprise. Convictions on this basis result not only in significant periods of incarceration, but provide for the seizure of assets accumulated by the enterprise through illegal activity and a potential prohibition against the members of the enterprise associating with corrupted labor unions, infiltrated businesses, compromised institutions, or even with other members.

Organized Crime investigations require numerous techniques which have proven to be resource intensive. To penetrate close knit, secretive organizations, such as the LCN, the FBI employs a variety of significant investigative techniques, including court-ordered electronic intercepts; long-term undercover operations; extensive physical surveillance, including the use of aircraft; high echelon, quality informant coverage; and cooperating witnesses. In addition, the FBI's Organized Crime Program complements its investigative efforts and maximizes its investigative resources by providing Headquarters and field locations with computer based capabilities via OCIS. OCIS personnel assist in the collection, collation, analysis, and dissemination of investigative information relative to organized crime matters. Within OCIS, particular emphasis is placed upon link analysis of relationships which exist between or among organized crime groups, and/or between corrupt organizations and union officials, business leaders or public officials.

Within this decision unit is the Investigative Support Program, which provides for the coordination of all criminal informant operations, witness security, aircraft support, undercover operations, Special Operations Groups/Off Premise Sites (SOG/OPS), as well as myriad of administrative activities that support all FBI investigative programs. Agencies, such as the FBI, sponsoring potential applicants for the U.S. Marshals Service's Witness Security Program are required to provide resources relative to the protection of the witness, and/or the witness' immediate family, prior to their acceptance into the program. Aircraft surveillance enables discreet contact with a moving target even though the target is using evasive maneuvers to elude surveillance. The undercover technique offers the ability, in certain situations, to penetrate the highest levels of criminal activity, thus permitting more effective and safer use of sources and informants. The information obtained from the undercover operative may avoid the necessity for sources/informants to testify in court. SOG/OPS give the FBI the ability to support effectively the integrated functions of tactical mobility, undercover operations, sensitive and complex Title-III electronic surveillance installations, and the tracking of extremely sensitive and surveillance-conscious subjects.

Accomplishments and Workload: Accomplishments of the Organized Crime Program are presented in the following table:

| Item | Estimates | | |
|-------------------------|-----------|--------|-------|
| | 1990 | 1991 | 1992 |
| Investigative Matters: | | | |
| Pending (Start of Year) | 2,120 | 2,443* | 2,698 |
| Opened | 4,753 | 5,090 | 5,380 |
| Closed | 4,391 | 4,835 | 5,040 |
| Pending (End of Year) | 2,482 | 2,698 | 3,038 |

| Item | Estimates | |
|---|-----------|----------|
| | 1991 | 1992 |
| Investigative Matters: | | |
| Informant Matters | | |
| Title III: | | |
| Initiated | 73 | 48** |
| Extended | 79 | 42 |
| Informations and Indictments | | |
| Convictions and Pre-trial Diversions | 708 | 672 |
| Civil RICO Complaints (Individuals) | 544 | 540 |
| Civil RICO Judgments (Individuals) | 89 | 94 |
| Fines (\$000) | 3 | 8 |
| Recoveries and Restitutions (\$000) | \$6,797 | \$11,779 |
| Potential Economic Loss Prevented (\$000) | \$12,020 | \$22,882 |
| | \$11,763 | \$7,005 |

* Organized Crime fugitive matters were moved to the Violent Crimes/Major Offenders Program at the end of 1990.

** The 73 Title IIIs initiated in 1990 covered 165 lines. The 48 Title IIIs initiated in 1991 covered 167 lines. The 48 Title IIIs initiated in 1992 covered 167 lines. Thus although the number of Title IIIs initiated has declined, coverage has increased.

Among the Organized Crime Program's activities in 1991 was the initiation of a RICO investigation of a Chinese street gang, The Green Dragons, which primarily operated in the Borough of Queens in New York City. This investigation utilized cooperating witnesses and electronic surveillance and resulted in the arrest of significant gang members by FBI Agents and New York City Police Detectives. On May 23, 1991, Federal Grand Jury, Eastern District New York, Brooklyn, New York, returned a thirty-six count superseding indictment, which charged Kin Fai Wong, Aleck C. Via, Chen Long Li, Tony Chan, Tony Tran, and Kenneth Chow with racketeering, conspiracy and numerous substantive acts, including seven murders, numerous extortions, home invasion robberies, conspiracy to murder a witness and bribery of a New York City Corrections Officer.

In August 1990, a RICO indictment was returned in the Northern District of Illinois charging the four corporations (the National On Leong Chinese Merchants Association (OLCMA), OLCHA chapters from New York, Chicago, and Houston), and 29 individuals from Chicago, Atlanta, Detroit, Houston, Minneapolis, New York, and Pittsburgh for their involvement in a nationwide racketeering enterprise. The substantive framework of the indictment was comprised of gambling violations, conspiracy to bribe witnesses, conspiracy to bribe a Cook County, Illinois judge, interstate transportation in aid of racketeering, collection of unlawful debts, and solicitation to commit murder. A four and one-half month trial concluded

On August 27, 1991. A mistrial was declared relative to the RICO and gambling counts for the 14 defendants remaining at trial; 17 defendants had pled guilty prior to and during the trial. Five defendants, four individuals, and the Chicago On Leong Corporation were found guilty of various tax violations under Title 26.

On December 11, 1990, Gambino LCN Boss John Gotti, and three other members of the Gambino Family hierarchy were indicted on RICO charges including the murder of former Gambino Boss Paul Castellano. On July 19, 1991, United States District Court Judge J. Leo Glasser, Eastern District of New York, denied a defense motion to suppress evidence obtained from an FBI Title III. On July 26, 1991, Judge Glasser disqualified the three principal defense attorneys who have represented John Gotti for the past seven years and whom the FBI believes have acted as in-house counsel to the Gambino Family. Trial is scheduled to begin in January 1992.

On October 29, 1991, Kam Fui Lo, pled guilty in the Federal District Court of Massachusetts to three money laundering counts of a 23-count sealed indictment charging seven members and associates of the 14K Hong Kong Triad with engaging in a pattern of racketeering activity, including money laundering of heroin trafficking proceeds and other currency transaction and monetary instrument report violations. On October 30, 1991, Triad members Harry Wook, Peter Yee, and Robert Chin were sentenced in the Federal District Court of Massachusetts pursuant to their guilty pleas on RICO/Money Laundering charges.

| Program Changes: | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|----------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. | NY Amount | Perm. | NY Amount | Perm. | NY Amount |
| Organized Crime..... | 1,771 | \$151,387 | 1,824 | \$153,776 | 53 | \$2,389 |

The Organized Crime Program requests an enhancement to its AOC subprogram of 17 Agent positions (four workyears) to support Asian Organized Crime, 11 general support positions (three workyears), 10 Title III monitor positions (three workyears), four Intelligence Research Specialists (one workyear), eight Language Specialists (two workyears), three Organized Crime Technical Information System (OCIS) analysts (one workyear), for a total of 53 positions (14 workyears) and \$2,389,000 for the Organized Crime Program. The AOC subprogram is currently funded for 86 Agent positions.

The Royal Hong Kong Police have estimated that there are 80,000 to 100,000 members in 60 Chinese Triads. It is the opinion of the FBI that the return of Hong Kong to the People's Republic of China (PRC) in 1997 will prove to be a crucial period. The PRC has historically been ruthless in dealing with Triads. It is anticipated that a number of these members will attempt to enter the United States. Other reasons for Triad movement to the U.S. are that the U.S. provides: (1) a major market for Asian heroin; (2) a sizable established Chinese communities; (3) financial investment opportunities; and (4) a well established organized crime infrastructure in the form of criminally-influenced Tongs and street gangs from which to operate.

Tongs are Chinese fraternal organizations with chapters in U.S. cities with large Chinese communities. In comparison to

Triads, Chinese gangs, or the LCN, Chinese Tongks are comprised largely of non-crimeals. However, investigations have shown that many of the higher echelon members have ties to organized crime. While the economic mainstay of the Tongks is illegal gambling, Tong members also direct Chinese gang enterprises such as extortion, drug trafficking, and protection schemes for prostitution and gambling. The most prominent Tongks in the U.S. associated with organized crime include the On Leong and Hip Sing Tongks.

The Japanese Boryokudan is equally large in membership as the Chinese Triads and is believed to control 26,000 legitimate businesses. Like the Triads and LCN, the Boryokudan (also known as the Yakuza) can trace its roots to an early period of history. The Boryokudan consists of 2,500 groups with a membership of approximately 87,000 members. The Boryokudan has realized profits of over \$10 billion, one-third of which was generated from trafficking of methamphetamine in Japan. Boryokudan activity in the United States has expanded principally for three reasons. First, the U.S. serves as a source of weapons, since the possession of handguns is prohibited in Japan. Second, the U.S. serves as a place to invest capital as indicated by significant cash investments in real estate and businesses in major metropolitan areas. Finally, and perhaps most significantly, the U.S. is prime territory for the Boryokudan controlled tourist business.

The success the FBI has against Chinese organized crime between now and 1997 could be a factor in the number of Triad members who attempt to enter the United States. Should AOC groups become as entrenched in American society as the LCN, the impact could be devastating. As a measure, the LCN's membership is estimated at 1,200 members and 12,000 associates. Should only one percent of Hong Kong's Triad members enter the United States, the attendant crime problem would be dramatic because each "made" Triad member directs numerous associates. In one instance, one Triad member is attempting to consolidate control of AOC groups in a West Coast Chinatown. If he is successful, he will have a base of 300 associates. Involved in traditional LCN crimes, AOC groups, by virtue of their size, propensity for extreme violence, and cultural distinctions, pose a problem of immense proportions. Seventeen field offices report significant AOC problems.

The Organized Crime Program's intelligence base has been a major asset in the effort against the LCN. Because of its exceptional quality and utility, development of a similar AOC base is essential for success. As a result, the FBI needs to expand support for the Organized Crime Information System (OCIS) by three Technical Information Specialists (TIS) positions (one workyear). The FBI presently has 117 TIS positions funded.

Based on an anticipated 80 Title IIIs initiated and 90 extensions in the Organized Crime Program in 1993, the FBI is requesting 10 additional Title III monitor positions (three workyears) to support the anticipated AOC portion of these Title III matters. These resources are not being requested to just address the transcription of conversations normally associated with Title IIIs. The requested personnel would monitor the Title III; prepare drafts of transcripts if necessary, and thereafter proofread the typed transcripts; analyze and collate relationships; and disseminate and coordinate intelligence data. Each monitoring support employee relieves one Agent who previously monitored Title IIIs and who can then conduct investigative tasks associated with enterprise investigations more appropriate for sworn law enforcement personnel.

The degree of success the FBI would have against these crime groups would depend in large part on the ability to expeditiously handle the volume of non-English speaking Title III's and consensual monitoring tapes that these investigations are expected to generate. The FBI, therefore, requests eight Language Specialist positions (two workyears). The services of personnel familiar with the culture and dialects of the individuals under investigation are needed to insure that translations are completed on a timely basis, and investigations would not be prolonged, resulting in delayed prosecutions. Initiatives directed against the Asian criminal groups, in close coordination with officials of foreign governments, such as the Hong Kong and the Japanese Governments, would be slowed and objectives would be difficult to achieve without these additional personnel.

By providing the field offices with well-trained analytical personnel, Special Agents would be relieved of many of their non-investigative functions. The FBI is requesting four Intelligence Research Specialist (IRS) positions (one workyear) to conduct investigative research that would be an invaluable program and case management tool. For example, the FBI has not fully addressed investigations into the illegal activities of organizations such as the AOC groups. Through the efforts of IRS personnel, contact with those State and local agencies would allow for the initiation of research and analysis of the growing AOC problem. This analysis would be accomplished without diverting agents from investigative matters. Thereafter, the IRS would provide FBI management with information that would enable the FBI to focus its efforts toward the more significant of these groups, thereby maximizing the FBI's investigative effectiveness.

| | 1992 as Enacted | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|------------|-----------------|-------|-----------|-----------|-------|-----------|---------------|-------|-----------|-------------------|----|---------|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount |
| Drugs..... | 1,716 | 1,673 | \$130,203 | 1,716 | 1,698 | \$135,883 | 1,751 | 1,707 | \$138,074 | 35 | 9 | \$2,191 |

Long Range Goal: To reduce the incidence of illegal drug trafficking and other criminal activity which drug trafficking generates in American society through investigations conducted on a systematic, coordinated, and sustained basis.

Major Objectives:

To conduct effective, coordinated investigations against major international and domestic drug trafficking organizations in accordance with the FBI's National Drug Strategy (NDS) with the ultimate objective of disrupting and dismantling networks involved in the distribution of illegal drugs, arresting their leadership, and seizing their ill-gotten assets for eventual forfeiture.

To expand the utilization of the money laundering statutes in the investigation and prosecution of major international and domestic drug trafficking organizations.

To expand and enhance the intelligence base on domestic and international drug trafficking organizations and their financial support structure.

To provide assistance to other Federal, State, and local law enforcement agencies in the investigation of high-level drug trafficking organizations operating in local or regional areas.

To remove the ability of criminal enterprises to function through the aggressive application of forfeiture sanctions contained in Federal statutes which fall within the investigative purview of the FBI.

To increase the amount and improve the level of training, logistical and technical support for drug investigations.

Base Program Description: Through the NDS, the FBI targets significant drug trafficking organizations through long-term, sustained investigations. These investigations are aimed at dismantling the organizational structure with the arrest and prosecution of the organizations' leadership, disruption of their money laundering apparatuses, and the seizure and forfeiture of their criminally obtained assets as ultimate goals. The NDS is structured to enhance the FBI's drug intelligence base, identify trends and make projections, concentrate resources in major centers of drug trafficking activity, and provide assistance to other law enforcement agencies.

The closely-focused, complex investigations within the FBI's NDS target organizations rather than individuals. The benefits of this approach are based upon the FBI's experience and expertise developed through investigation of traditional organized crime organizations. The extra dimension the FBI brings to supply reduction and the war on drugs is the ability to attack a drug trafficking organization on an experienced basis greater than only Title 21 U.S. Code (USC). By virtue of Title 18 USC authority, the FBI can expand the investigative focus to include criminal activities such as money laundering, corruption of public officials, fraud, murder, extortion, and other crimes not covered in Title 21 USC. The FBI's expansive investigative capabilities and jurisdiction, therefore, enable the FBI to address all aspects of drug conspiracies.

The FBI's goal is to clearly focus investigative resources on organizational-based trafficking groups that control significant segments of the illegal drug importation and distribution markets. Investigations are directed at the following drug trafficking groups: Colombian/South American; Mexican; European/Italian; Asian; and other major drug trafficking organizations/groups that are national in scope. These other groups would include emerging major drug trafficking groups, such as Jamaican drug trafficking organizations (Posses), the notorious Los Angeles-based street gangs known as the "Bloods" and the "Crips," and other violent drug gangs.

Accomplishments and Workload: Actual and estimated accomplishments in Drugs Program, non-OCDETF, investigations from 1990 to 1993 are set forth below:

| Item | Estimates | |
|--|-----------|-------|
| | 1992 | 1993 |
| Investigative Matters (IMs): | | |
| Pending Beginning of Year | 4,698 | 4,735 |
| Received During Year | 7,062 | 8,606 |
| Completed During Year | 7,025 | 7,416 |
| Remaining End of Year | 4,735 | 5,925 |
| | | 5,925 |
| | | 8,650 |
| | | 8,100 |
| | | 6,475 |
| | | 6,475 |
| | | 8,390 |
| | | 6,760 |
| Court ordered interceptions of wire and oral communications - Initiated & Extended | 42 | 59 |
| | | 64 |
| Information and Indictments | 1,832 | 1,544 |
| | | 1,735 |
| Convictions/Pre-trial Diversions | 1,411 | 1,235 |
| | | 1,400 |
| | | 1,420 |
| | | 67 |
| | | 1,775 |

* In 1991, the number of investigative matters received and completed increased predominantly due to the adoptive forfeiture matters of State and local law enforcement. The decrease in informations and indictments and convictions/pre-trial diversions is due to the fewer number of agents utilized in the FBI Drugs Program. However, statistics for Agents working under the auspices of the OCDETF Program are not reflected here.

The following chart depicts the 1990 and 1991 utilization of Drugs Program Agents and number of matters under investigation by major subprogram. Case numbers include matters received during the year and cases pending at the beginning of the year. Agent utilization and case numbers by major subprogram are projected for 1992 and 1993. The agent/case ratio is highly variable, being directly dependent on the complexity of the cases. As an example, some of the more complex cases require as many as 15 to 20 agents per case, whereas less expansive cases may be investigated by one or two agents. The FBI's NDS cases are increasingly more complex in nature. Thus, to give a "desirable" Agent:case ratio representative of drug cases would be speculative.

| SUBPROGRAM | 1990 | | 1991 | | 1992 | | 1993 | |
|------------------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|
| | # of AGENTS | # of CASES | # of AGENTS | # of CASES | # of AGENTS | # of CASES | # of AGENTS | # of CASES |
| Colombian/S.American | 42 | 3,261 | 32 | 2,558 | 32 | 2,800 | 32 | 2,900 |
| Mexican | 19 | 1,288 | 18 | 1,399 | 18 | 1,475 | 18 | 1,525 |
| European/Italian | 12 | 683 | 11 | 652 | 11 | 725 | 11 | 750 |
| Asian | 2 | 172 | 4 | 246 | 4 | 300 | 4 | 310 |
| Gangs and Other Groups | 13 | 2,079 | 18 | 1,981 | 18 | 2,175 | 18 | 2,300 |
| Informant/REI/DDR/APP | | | | | | | | |
| Training | 12 | 4,277 | 17 | 6,500 | 17 | 7,095 | 17 | 7,360 |
| Total | 100 | 11,760 | 100 | 13,336 | 100 | 14,570 | 100 | 15,145 |

Accomplishments:

The FBI realized a major victory in its investigative efforts that target Colombian drug cartels, when Henry and Carlos Orjuela-Caraballo, of the Jaime Raul Orjuela Organization, were convicted of drug trafficking violations. This organization is significant because Jaime Raul Orjuela is a direct subordinate to Jose Santa Cruz-Londono, who has been identified as a leader of the Cali drug cartel by law enforcement intelligence and independent press reports. The Orjuela organization is documented as being responsible for the importation and distribution of multi-ton quantities of cocaine throughout the United States and Europe. During the course of this investigation, Jaime, Henry, Carlos and Gilberto were conspiring to export as much as 1,600 kilograms of cocaine per week (valued at over \$25,000,000) into the United States, primarily through New York City. As of December, 1991, this investigation has resulted in 17 complaints and 11 indictments, with nine subjects convicted. Prosecution of other suspects is continuing. Additionally, 2,000 kilograms of cocaine were seized from a warehouse in Guatemala.

In 1989, the FBI's Los Angeles field office initiated an undercover operation, COCADOLLARS, targeting the money laundering operation of a major Colombian drug trafficking organization. This two-year investigation resulted in the seizure of approximately \$4.1 million in currency, 716 kilograms of cocaine, and \$7 million in property. The two principal subjects, Jorge "Macho" Restrepo and Julio Robledo, were indicted in January 1991, on multiple drug conspiracy and money laundering violations and subsequently were arrested in international waters. They are scheduled for trial in January 1992. Additionally, approximately 40 other subjects have been arrested either by the FBI or by local law enforcement authorities as a result of information provided to them from this highly successful investigation.

The FBI's San Diego field office investigated a Mexican drug trafficking organization which smuggled 200 kilogram loads of cocaine from Mexico into southern California, utilizing a corrupt U.S. Immigration and Naturalization Service (INS) Inspector at Calexico, California, the port of entry. The corruption aspect of this investigation was jointly handled with the Department of Justice, Office of Inspector General, and the U.S. Customs, Internal Affairs Department. In November 1990, the Inspector and his two co-conspirators were arrested after accepting a \$40,000 payment for allowing an

alleged cocaine shipment consisting of 50 kilograms to cross through his inspection lane into the United States at Calexico, Mexico. Another subject was also arrested in December 1990, after being stopped at the port of entry. These four subjects were charged with violation of Title 21, USC, conspiracy to import a controlled substance, Title 18, USC, conspiracy to bribe a public official; Title 18, USC, official corruption; Title 21, USC, possession of cocaine with intent to distribute; Title 18, USC, firearms and aiding and abetting violations. Also, two additional suspects, identified during the initial phase of this investigation, were arrested and charged with violation of Title 18, USC, production and transfer of false identification documents, and Title 18, USC, conspiracy. These subjects sold counterfeit immigration documents to an undercover FBI Agent.

Program Changes

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------|------------|-----------------|---------------|-----------------|-------------------|-----------|
| | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount |
| Drugs..... | 1,716 | 1,698 \$135,893 | 1,751 | 1,707 \$138,074 | 35 | 9 \$2,191 |

This request consists of 21 Agent positions (6 workyears), 14 general support positions (3 workyears) and \$2,191,000. These resources would allow the FBI to continue its implementation of Regional Drug Intelligence Squads (RDISs) which will increase and assist in the management of the FBI's intelligence base on major international and domestic drug trafficking organizations. This request reflects the February 1992 National Drug Control Strategy from the Office of National Drug Control Policy (ONDCP), calling for increasing the number of federal drug enforcement Agents, including FBI Agents and support personnel.

Since 1987, the FBI has dismantled or disrupted 118 significant drug trafficking organizations. Currently, within the FBI's Drugs Program, there are 59 core drug trafficking organizations under investigation. These types of investigations are extremely resource-intensive and utilize many different techniques in order to disrupt/dismantle a significant drug trafficking group.

The FBI has begun establishing RDISs in order to provide more effective and efficient management of intelligence information and drug trafficking investigations. There are presently 51 agents assigned to RDISs. The RDIS offices and their geographic regions of responsibility are as follows: Atlanta - Southeast Region; Chicago - Midwest Region; Houston - Gulf Coast Region; Los Angeles - West Coast/Pacific Region; Miami - Florida/Caribbean Region; New York - Northeast Region; Phoenix - Southwest Border Region; and Washington Metropolitan - Mid-Atlantic Region. The regional nature of the RDISs will allow for greater mutual support among FBI field offices within the various regions. This increase would enable the FBI to add to existing RDISs and allow for the addition of new RDISs.

The goal of the RDIS concept is to document and profile major drug trafficking organizations for eventual selection as joint or parallel investigations on a Federal, State or local level, and to expand and enhance the drug intelligence base

of the FBI as well as other agencies participating in the war on drugs.

RDISs will assist the FBI in effectively and efficiently addressing organizations by providing a complete picture of the group to include its members, activities, location, and finances. The establishment of RDISs in key trafficking and transit areas would address the immediate need to fill intelligence gaps in a cost effective and timely manner. It is the goal of the FBI to include other Federal, State and local law enforcement agencies in its RDIS intelligence gathering activities. This intelligence will be shared with other Federal agencies as well as State and local law enforcement agencies with drug enforcement duties.

RDISs will enhance the FBI's standardized fieldwide approach to drug intelligence investigations. By using the Racketeering Enterprise Investigation (REI) format and the Drug Information System (DIS) the FBI will profile drug trafficking organizations in an automated format. The REI format is broken down into eight specific areas: organization, operation, finances, police/public corruption, communications, characteristics, assessment and basis of information provided. This process allows for identification of the organization, the identity of key/dominant figures and members/associates, provides for detail of past and current drug trafficking activities of the organization, system used, source of supply, and geographic areas of the U.S. supplied. This format allows for detailing the distribution of drug revenues/profits, financial institutions used, methods of transferring drug currency from the U.S. or foreign countries. In the area of police/public corruption, the identification of individuals and officials involved with corruption and the remuneration paid to them, as well as identifying areas of support to the organization by police or public officials is identified. In the area of communications, the systems and instruments used are identified along with any counter-surveillance techniques and other protective measures utilized. The assessment allows for the identification of potential areas and methods of penetration by law enforcement agencies, the individuals whose incarceration would disrupt the organization, individuals who may be accessible to compromise, and rivalries, dissension or disruption within the organization and between competing drug organizations; and designates what information which has been provided by other agencies, identifies the originating agency, if the information would be admissible in court, and if the information is classified.

Intelligence input from the geographic regions which encompasses the principal drug trafficking centers and U.S. ports of entry is essential. Establishment of RDISs in various field offices along with the continued integration of the DIS will more productively utilize intelligence data as follows: a) in accordance with the FBI's HDS; b) to address all trafficking and transit regions covered by the FBI; and c) to target designated High Intensity Drug Trafficking Areas (HIDTAs).

FBI Agents assigned to a RDIS function within the respective regions have responsibility for developing sources of information and REIs. RDIS Agents will gather, analyze and disseminate intelligence data, analyze data in the DIS database, and conduct liaison with agencies in the drug enforcement community.

The 14 general support positions associated with the 21 Agent positions are needed to perform clerical and secretarial functions, as well as visual investigative analysis and criminal informant management system duties in support of FBI Drug Program investigations. Critical word processing, file maintenance, evidence control, trial preparation, and other

non-investigative administrative functions must be performed to support investigations.

| | <u>1992 as Enacted</u> | | <u>1993 Base</u> | | <u>1993 Estimate</u> | | <u>Increase/Decrease</u> | |
|------------------------|------------------------|-------|------------------|-------|----------------------|-----------|--------------------------|--|
| | Pos. | WV | Pos. | WV | Pos. | WV | Per. | |
| White-Collar Crime . . | 4,229 | 4,076 | 4,253 | 4,158 | 4,478 | \$371,080 | 225 | |
| | | | | | | | 56 | |
| | | | | | | | \$14,154 | |

Long-Range Goal: To reduce losses in Government programs and private sector businesses from corruption, fraud, and embezzlement; and to provide investigative assistance to the Department of Justice, including United States Attorneys in civil and antitrust matters.

Major objectives:

[illegible]

To continue to assist other Federal, State, local, and foreign law enforcement and regulatory agencies in making a coordinated, effective attack on white-collar crime.

Base Program Description: White-collar crime is defined as those illegal acts which are characterized by deceit, concealment or violation of trust and which are not dependent upon the application or threat of physical force or violence. These acts are committed by individuals and organizations to obtain money, property or services; to avoid the payment or loss of money or services; or to secure personal or business advantage. The Department of Justice has identified and ranked priority areas regarding white-collar crime. These are crimes against Federal, State or local governments by public officials and private individuals; crimes against businesses, consumers, investors and employees; and crimes affecting the health and safety of the general public.

The problems facing our nation's financial institutions have required the commitment of substantial resources to combat the financial institutions are victimized by insiders in those institutions and outsiders. Other high priorities are Department of Defense procurement fraud, health care provider fraud, housing fraud, environmental crimes, especially that which is drug-related, computer fraud, insurance fraud, securities/commodities fraud, boiler room/seamarketing fraud, and money laundering activity relating to white-collar crimes.

The complex nature of white-collar crimes often requires the FBI to employ sophisticated investigative undercover operations, and electronic surveillance. In addition, the FBI is increasingly utilizing forfeiture statutes to deprive white-collar criminals of their ill-gotten gains.

The scope of the White-Collar Crime Program (WCCP) is such that it is a major investigative program priority in one half of the FBI's 56 Field Offices, and is the largest of all criminal programs within the FBI in terms of resources and accomplishments. In 1991, the WCCP fully utilized its funded resources, expending a total of 2,224 Agent workyears in white-collar crime (WCC) investigations, 37 percent of which were to address Financial Institution Fraud matters.

Addressing various areas of the WCCP has kept the FBI in an ever changing and growing law enforcement environment. Since the late 1980s, the FBI's WCCP has focused mainly on financial institution failures and Housing and Urban Development fraud. In the last few years, the number of failed financial institutions has continued to increase and, at present, there is no indication that the problem will decrease in the foreseeable future. In order to continue to address major areas of traditional WCC investigations, such as financial institution failures, additional resources will be required in 1993.

Historically, the other areas of WCC which the FBI has addressed prior to the 1990s are public corruption, fraud by wire, and bankruptcy fraud. The increase in drug trafficking throughout the United States has directly resulted in a substantial increase in drug-related corruption, particularly involving law enforcement officers. In addition, the FBI expects burgeoning bankruptcy fraud as a natural outgrowth of the financial institution fraud crisis. With the detection of perpetrators at greater rates, it is expected that efforts will be made to hide assets wherever and whenever possible, to avoid seizure and forfeiture of illegally obtained funds. Currently, the number of bankruptcy filings referred to the U.S. Trustee is growing at a significant rate and is expected to increase, therefore, the workload of the WCCP will grow accordingly.

With the changing society of the 1990s, there are many new areas of concern to the FBI's WCCP. These subprogram areas include Health and Human Services fraud, environmental crimes, telemarketing fraud, and computer crimes. As Americans continue to live longer and prosper as senior citizens, telemarketing fraud and health care fraud are expected to increase. A large number of the individuals victimized by both types of fraud are older citizens who are either dependent on health care funding or are victims of telemarketing or boiler room frauds. The FBI is trying to establish intelligence bases in these growing WCCP investigative areas, but the development of these information tools is both time consuming and personnel intensive. The same can be said for environmental and computer crime violations. The FBI and other law enforcement agencies are aware of the prevalence of both of these crimes but have insufficient expertise and resources to fully address these investigative matters.

In the last three years, the FBI's WCCP has received 446 Agent positions and \$74,583,000, most of which were specifically to address the Savings and Loan Crisis. The problem still exists though, and continues to grow. Therefore, the FBI must continue to dedicate Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) and Crime Control Act (CCA) of 1990 resources to this area. However, in order to address emerging WCC violations in the 1990s, the FBI requires the requested enhancements or these growing crime problems will not receive the attention they are due.

The activities of white collar criminals sap the economy of incalculable amounts of productive resources and divert untold amounts of public funding from their intended purposes. In the process, public confidence in institutions of commerce and government is severely undermined. The vitality of the economy and the public fisc are very much affected by these crimes.

Over the 1992-1993 time frame, the FBI plans to reprogram 65 Agent positions (50 in 1992 and 15 in 1993) and 38 support positions (29 in 1992 and 9 in 1993) and \$ 8,001,000 (\$3,135,000 in 1992 and \$4,866,000 in 1993) from the FCI and Domestic Terrorism programs to increase the emphasis placed on its Health Care Fraud initiative. This growing crime problem has its roots in practically all aspects of society. The FBI realizes that the health care field is continuing to grow as citizens have begun to live longer and, therefore, depend on quality health care at equitable rates. Health care costs have continued to expand as a percent of Gross National Product (GNP). Recent estimates place it at 15 percent of GNP. Thus, even a small portion of fraud and abuse can amount to substantial losses to society. Fraud and abuse in this area have grown at an even greater rate as affected consumers are somewhat uniformed of what fair treatment should be. A reprogramming of Agent and support positions will permit the FBI to increase its investigative efforts in addressing health care fraud expeditiously and avoid greater cost to the American consumer, particularly the elderly.

Accomplishments and Workload: Accomplishments of the WCCP are presented through the following accomplishment charts and case write-ups, describing the achievements in the investigative areas of financial institution fraud, governmental fraud, public corruption, and economic crimes.

| Item | Estimates | |
|-------------------------------|-----------|---------|
| | 1992 | 1993 |
| INVESTIGATIVE MATTERS: | | |
| Beginning | 22,031 | 22,014* |
| Received | 46,806 | 48,835 |
| Resolved | 45,357 | 47,418 |
| Remaining | 23,480* | 23,431 |
| | | 24,945 |
| | | 52,194 |
| | | 56,015 |
| | | 54,390 |
| | | 24,945 |
| | | 26,570 |

* Between 1990 and 1991, the WCCP total investigative matters remaining decreased by 1,466 due primarily to a redesignation of Civil Suits to the Miscellaneous Program, and the recording of WCC fugitive matters within the Violent Crime and Major Offenders Program.

| Item | Estimates | |
|--|-------------|-------------|
| | 1990 | 1991 |
| JUDICIAL PROCESSES INITIATED: | | |
| Convictions | 4,689 | 4,531 |
| Pretrial Diversions | 351 | 368 |
| Fines | \$86,696 | \$71,515 |
| Recoveries & Restitutions (\$000) | \$1,024,104 | \$1,160,415 |
| Potential Economic Loss | | |
| Prevented (PELP) (\$000) | \$556,915 | \$1,263,184 |
| Claims Against the Government: | | |
| Filed (\$000) | \$118,633 | \$122,548 |
| Settled (\$000) | \$21,677 | \$22,392 |
| Claims by the Government: | | |
| Filed (\$000) | \$288,406 | \$297,923 |
| Settled (\$000) | \$85,645 | \$88,471 |
| FORFEITURE PROGRAM (\$ in millions) | | |
| Seizures: | | |
| Number | 3,993 | 5,652 |
| Value | \$241.7 | \$393.4 |
| Forfeitures: | | |
| Number | 3,328 | 3,155 |
| Value | \$95.6 | \$162.7 |

NOTE: The 1992 and 1993 statistical accomplishments under the captions INVESTIGATIVE MATTERS and JUDICIAL PROCESSES INITIATED (convictions and pretrial diversions only) were derived by taking the 1991 year-end statistics in each category, and dividing by the workyears utilized by the program, to obtain the percentage of workload per workyear. This percentage was then multiplied by the anticipated workyears available to get the projected accomplishments. The remaining statistical information will reflect 1991 year-end with an historical increase reflected in the outyears.

A financial institution fraud investigation was conducted jointly with the U.S. Department of Agriculture (USDA), the Internal Revenue Service (IRS), the U.S. Customs Service (USCS), and the Department of Defense (DOD). The investigation commenced in August 1989, predicated on source information that the Atlanta Branch of the Banca Nazionale Del Lavoro (BNL-Atlanta) provided "off-book" loans to Iraq. These loans totalled several billion dollars and were not disclosed to Federal regulatory examiners or auditors. BNL is the largest bank in Italy and 96 percent of it is owned by the

Republic of Italy. A Turkish-owned trading company, one Iraqi Bank, and eight individuals including four Iraqi officials are under indictment. Two former BNL-Atlanta employees have pled guilty, neither of whom were those named in the indictment. Forfeiture provisions in the indictment total approximately \$800 million.

A health care provider fraud investigation was conducted jointly with the FBI's Los Angeles field office, Department of Health and Human Services, Postal Inspectors, Internal Revenue Service (Civil) and the California Bureau of Medi-Cal Fraud Unit. The primary subject of the investigation and his associates engaged in a "boiler room" type operation to defraud Medicare and Medi-Cal of approximately \$25 million in payments to the elderly focusing on durable medical equipment fraud. In an elaborate scheme, most of the proceeds from the illegal activity were transferred to foreign banks. Approximately \$13 million was traced to banks located in Switzerland, Liechtenstein and Spain. To date, the task force has seized in excess of \$5 million in assets and is obtaining Letters Rogatory to review the foreign bank records for additional forfeiture. The subjects of this investigation were indicted and are awaiting trial.

On January 11, 1991, a partner of the law firm of Zimmerman and Schwartz, P.C., appeared before U.S. District Court, District of Colorado, and was sentenced on a one-count violation of conspiracy to commit bankruptcy fraud. The subject received 36 months' incarceration, two years' probation, and was ordered to make restitution of \$100,614.91. The subject received a 36-month concurrent sentence and \$50.00 victim fee assessment for a one-count violation of Bankruptcy fraud. In addition, Zimmerman and Schwartz, P.C. (now defunct) was ordered to pay restitution of \$5,000 to the Trustee in Bankruptcy, District of Colorado, and a \$200.00 victim fee assessment.

A fraud by wire investigation in Newark utilized an undercover agent to make contact with two former scientists/employees of Merck and Company, a major pharmaceutical firm. The scientists were offering to sell the fermentation process for the prescription drugs Inveracton, Mavecor and Interferon. Merck and Company currently holds active patents on these fermentation processes. The two scientists, Bernard Mayles and Mario Miaclo, negotiated the price for the sale of one of the processes at \$1.5 million. On August 21, 1990, Mayles and Miaclo were indicted, later convicted and, on May 31, 1991, sentenced to nine and five years incarceration, respectively, as well as fines and restitution.

As of November 30, 1991, the number of failed/merged financial institutions under investigation by the FBI is 727. This number is comprised of 309 banks, 389 savings and loans, and 29 credit unions. This is an increase of 525 failed financial institutions (FIF), or 260 percent since 1986. For the period 1986 through November 30, 1991, FIF matters under investigation by the FBI increased eighteen percent from 7,286 to 8,580. During the same time period, major FIF matters under investigation by the FBI increased 50 percent from 2,948 to 4,435.

On February 21, 1991, the Attorney General announced a plan to establish a New England Bank Fraud Task Force to investigate bank fraud in the six-state New England region consisting of Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, and Connecticut. The purpose of this task force is to aid the efforts of the United States Attorneys (USAs) in the New England area in identifying, investigating, and prosecuting major frauds against financial institutions. The task force is headquartered in Boston. Staffing includes FBI Special Agents, Department of Justice

Attorneys, Regulatory Examiners, U.S. Secret Service (USSS) Agents, Internal Revenue Service (Criminal Investigative Division) Agents, and a number of Assistant United States Attorneys (AUSAs).

Since the enactment of the Treasury, Postal Service and General Government Appropriations Act of 1990, Public Law 101-509, Section 528(A), giving the U.S. Secret Service concurrent jurisdiction in FIP matters, the FBI has worked at both the headquarters and field levels with the Special Counsel to the Deputy Attorney General for Financial Institution Fraud, USA and the USSS to assimilate available USSS resources into existing FIP investigations. At the request of the USSS, the FBI has provided training for over 100 USSS Agents in the investigation of FIP matters. On March 1, 1991, the Attorney General delegated to the Director of the FBI his authority under section 528(A), to accept the services of law enforcement personnel (including the USSS) and to coordinate the activities of such law enforcement personnel in the performance of any investigation and prosecution described in Public Law 101-509, Section 528(A). In addition, on March 22, 1991, the Director of the FBI and the USSS signed a letter of agreement setting forth a protocol to most effectively and efficiently coordinate the jurisdiction responsibilities.

The following chart depicts accomplishments for 1991 of the WCCP by subprogram.

| | Convictions/Pretrial Diversion | | Recoveries/Restitutions (\$000) | | Fines (\$000) |
|-----------------------------|-----------------------------------|--|------------------------------------|--|------------------|
| | | | | | |
| Financial Institution Fraud | 2,559 | | \$949,931 | | \$7,767 |
| Economic Crimes | 1,156 | | 397,465 | | 9,035 |
| Governmental Fraud | 723 | | 64,261 | | 46,889 |
| Public Corruption | 405 | | 148,440 | | 7,706 |
| Other Matters (WCCP) | 51 | | 298 | | 118 |
| TOTAL | 4,894 | | \$1,160,415 | | \$71,513 |

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | | |
|--------------------|---|--------|---|--------|----------------------|--------|----------|
| | Perm. | WV | Perm. | WV | Perm. | WV | |
| | Pos. <td>Amount</td> <td>Pos.<td>Amount</td><td>Pos.<td>Amount</td></td></td> | Amount | Pos. <td>Amount</td> <td>Pos.<td>Amount</td></td> | Amount | Pos. <td>Amount</td> | Amount | |
| White-Collar Crime | 4,253 | 4,138 | \$356,926 | 4,478 | \$371,080 | 225 | 56 |
| | | | | | | | \$14,154 |

For 1993, the White-Collar Crime Program is requesting a total enhancement of 136 Agent positions (35 workyears), 89 general support positions (21 workyears), and \$14,154,000. This request is broken out as follows - Financial Institution Fraud - 50 Agent positions (13 workyears) and 33 general support positions (8 workyears); Health Care Fraud - 35 Agent positions (9 workyears) and 23 general support positions (5 workyears), and Economic Crimes - 51 Agent

positions (13 workyears) and 33 general support positions (8 workyears).

Financial Institution Fraud (FIF): 50 Agent Positions (13 Workyears), 33 General Support Positions (8 Workyears), and \$5,210,000.

Financial institution failures are among the most significant problems facing the United States today. Escalating increases in failed institutions across the country have given rise to an increasing number of FIF investigations that the FBI is tasked with solving. Though a slight decrease in caseload and failure investigations occurred during the first two months of Fiscal Year 1992, it is too early to determine if a trend of this nature will continue. To the contrary, the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS) have indicated that over 1000 banks and savings and loans could fail between now and 1994. During 1991, a total of 26,919 criminal referrals were received from financial institutions and/or regulatory agencies.

The growth and nationwide implications of FIF have resulted in the designation of the FIF crime problem as a top priority of the Attorney General's Economic Crime Council and the current Administration. In addition, on October 1, 1990, the FIF Initiative was designated the number one enforcement priority of the WCCP.

All investigative resources received through the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989, the Crime Control Act (CCA) of 1990 and 1991, and the 1992 appropriation enhancements, have been allocated to FBI field offices having the most acute needs in FIF matters, placing emphasis on major cases and task force priorities. Specific tracking mechanisms are in place to monitor the utilization of these resources, along with identifying the field offices where FIF continues to be the most acute. Although resource enhancements were received under FIRREA, CCA, and the 1991 and 1992 appropriations, the FBI remains in the position of not being able to fully address the projected growth in the FIF workload. The FBI receives approximately 500 potentially fraudulent FIF cases each month. In addition, it is predicted that another 400 financial institutions could fail in the next year.

The following chart depicts the total number of FIF cases under investigation by the FBI at the end of the last six years and including the first two months of 1992. Also included is the number of cases where the loss or exposure is \$100,000 or more which includes failed financial institutions (major cases) for 1986 through November 30, 1991.

| Year | Pending Cases | Total Major Cases |
|--------------------------------|---------------|-------------------|
| 1986 | 7,286 | 2,948 |
| 1987 | 7,622 | 3,393 |
| 1988 | 7,385 | 3,446 |
| 1989 | 7,819 | 3,605 |
| 1990 | 7,613 | 3,672 |
| 1991 | 8,678 | 4,336 |
| 1992 (As of November 30, 1991) | 8,580 | 4,435 |

Health Care Fraud: 35 Agent positions (9 workyears), 23 General Support positions (5 workyears), and \$3,645,000.

In 1991, the United States is projected to expend \$700 billion in providing health care to the public. This equates to an expenditure of \$23,000 per second. By comparison, in 1980, approximately \$230 billion was expended for health care. By 1994, the United States Chamber of Commerce estimates the United States health care costs will eclipse \$1 trillion, and \$1.6 trillion by the turn of the century. By the year 2000, health care may consume up to 16.4 percent of the nation's gross national product (GNP).

In 1991, 71 Agent workyears were utilized to address Health Care Fraud. Between 1992 and 1993, the FBI will provide an additional 65 Agents through a reprogramming to help combat this growing crime initiative. From 1989 to 1991, FBI expenditures in health care fraud investigations have more than doubled from \$4.2 million to \$9.3 million. While emphasis has been on health care frauds, significant criminal problems continue in virtually every aspect of the health care industry. Limited resources are currently addressing identified criminal problems while consequential frauds continue to go undetected.

Health care fraud is a criminal activity which is committed by both highly educated health care professionals and specialized business entities. Health care frauds occur in every segment of the health care industry. Fraud occurs in hospitals, nursing homes, clinics, and pharmacies. Health care frauds have been committed by durable medical equipment (DME) companies and suppliers, pharmaceutical representatives, medical testing laboratories, and others who provide services to health care professionals and institutions.

Health care fraud continues to be a top investigative priority within the FBI's WCCP. Additionally, the safety issues, combined with the enormous economic considerations, have been recognized by the Attorney General's Economic Crime Council which has mandated health care fraud as a top prosecutive priority.

Health care fraud investigations cross all boundaries of medical claims for services. Fraudulent activities are perpetrated by providers in all health care service programs, including Medicaid, Medicare and private health insurance plans. The Chamber of Commerce estimates that between five to twenty percent of all paid insurance claims are fraudulent or questionable. Investigative emphasis focuses equally on each of these areas which has increased resource needs as health care costs escalate yearly.

The extent of possible fraudulent health care activity can be seen in the Federal and State and local funding levels. Medicaid is funded by both the Federal and State Governments with each state contributing up to 50 percent to the program. Many states fund substantially less than 50 percent. In 1990, Federal/State contributions to Medicaid totalled approximately \$72.6 billion. The Federal Government's share of contributions was approximately \$37 billion. Medicare is funded entirely by the U.S. Government. In 1990, \$12.2 billion was expended in medical claims for the elderly. Medicare's high cost and continued rapid growth are evidence of inadequate economic incentives for patients and providers to contain costs. Other government sponsored programs, to include benefits provided to Federal employees, retired and active military and their dependents, veterans, and others, account for \$92.4 billion in current

expenditures. Private health insurers, through contributions by employee benefit plans and the general population, support and pay expenses of the substantial balance of health care costs. Private insurance costs as well as out-of-pocket expenses account for the majority of expenditures of \$382.8 billion.

The FBI's Detroit field office has actively pursued health care fraud investigations during the past eight years. Through this period, it has established an intelligence data base and trained investigators. The FBI's Detroit field office investigative efforts have recorded prosecutorial convictions in excess of 700 licensed providers and health care facility owners. Detroit's investigative strategies reflect the pervasive crime problems associated with health care. In proposing a long-term investigative approach to health care frauds, the FBI proposes to emphasize investigative activity with the 1993 enhancement by developing a national criminal intelligence base similar to the framework of investigation used by the Detroit field office.

The WCCP has established proactive investigative scenarios in the 32 field offices focused on detecting Medicaid frauds. Through use of cooperating witnesses, undercover Agents and consensual monitoring, proactive investigative plans are focused on health care frauds involving health care professional dispensing and fraudulently billing prescription medications and controlled substances. Proactive investigative techniques have also been developed to investigate provider frauds being conducted by hospitals, clinics, durable medical suppliers, mobile clinics and other health care providers committing frauds against the health care industry. With the establishment of these investigations, significant statistical accomplishments should be realized. With the 1993 enhancement, the FBI's national intelligence base in health care will expand to include more sophisticated criminal activity being committed by health care professionals, hospitals and durable medical equipment suppliers. This expansion will require additional agent resources to address the increase in investigations referred.

Economic Crimes: 51 Agent positions (13 workyears), 33 support positions (8 workyears), and \$5,299,000.

This request consists of three components: Fraud by Wire (10 Agent positions, 7 support positions, \$1,051,000); Bankruptcy Fraud (16 Agent positions, 10 support positions, \$1,655,000); and Computer Crimes (25 Agent positions, 16 support positions, \$2,593,000).

Fraud by Wire: Frauds perpetrated upon citizens and business organizations of this country, other than financial institutions, are investigated by the FBI under the Fraud by Wire Statute. These investigations include all types of fraudulent schemes; however, there have been notable increases in complaints involving telemarketing frauds, frauds in the insurance industry, and securities and commodities frauds. Additional resources are necessary in order to enhance the WCCP's investigative efforts in these areas while continuing to provide resources to other areas of fraudulent activity. In 1991, the FBI utilized 389 Agent workyears to address the Fraud by Wire initiative. This request includes an additional 10 Agent and 7 support positions and \$1,051,000.

Many of the same economic forces which triggered the financial institution crisis have significant future ramifications for the insurance industry. Insolvencies in the insurance industry, while not widely reported, have more than tripled

in the last ten years. Healthy insurance companies are assessed over a billion dollars a year to fund state "guarantee funds" established to pay the delinquent claims of insolvent insurers. While the insurance industry is primarily regulated at the state level, the multi-state nature of the industry often causes these investigations to be beyond state investigative capabilities. In such circumstances, it is the FBI which has the proper expertise to step in and conduct these investigations. It is anticipated that, as a result of the growing number of insolvencies, the referral of insurance fraud allegations will increase substantially.

FBI involvement in securities and commodities fraud investigations has grown significantly in the last several years, a trend which is expected to continue. To date, the FBI has primarily focused its efforts in the area of penny stock fraud and fraud in the commodities exchanges. Effective liaison with securities regulators through the Securities and Commodities Fraud Working Group continues to identify significant criminal violations in areas traditionally regulated through civil enforcement. Insider trading is perhaps the most visible example. Additional agents are needed in New York, Chicago, and San Francisco to address securities fraud on the floor of trading exchanges. Los Angeles, Denver, Salt Lake City, Newark, and Miami have a burgeoning problem with respect to penny stock fraud which needs to be aggressively addressed. Data compiled by the Securities and Exchange Commission (SEC) reveal that complaints by investors against penny stock brokers have more than doubled in two years. Currently, complaints involving penny stock issues represent 33 percent of complaints the SEC receives against broker dealers. Investigations of these matters are complex, long term, and labor intensive.

The evolution of global securities trading and the concept of a worldwide market based economy have opened new opportunities for fraud. The FBI is increasingly responding to requests for criminal investigations in the securities fraud area where the victims or subjects are foreign citizens. The global implications of these investigations exacerbate an already complex crime problem and necessitate the expenditure of additional resources to contain the problem.

Telemarketing frauds involving ten or more victims or losses over \$25,000 are considered to be priority investigations within the FBI. The FBI's primary focus in this area continues to be investment frauds which involve a relatively high dollar loss per victim. The three primary examples of this are the fraudulent sale of investment certificates with guaranteed rates of return, investment collectibles such as stamps and coins, and franchise business opportunities. The boiler room sale of limited partnerships has abated somewhat due to changes in the tax code; however, real estate, oil, natural gas, and coal all remain popular vehicles for investment frauds.

The exponential growth in telemarketing fraud is found primarily in the low loss high volume operations selling office products, vacation packages, water purifiers, and similar items. While these frauds seldom have the tragic impact on the individual victim as do the investment frauds, the amounts of money taken by fraud in these schemes far exceeds the total losses incurred in the higher loss per victim frauds. Because several Federal agencies share jurisdiction with respect to this problem, the FBI participates in telemarketing task force projects with the Secret Service, U.S. Postal Inspectors, the Federal Trade Commission, State Attorneys General, and local law enforcement officials. Currently task forces are being operated in Los Angeles, San Diego, Miami, Salt Lake City, Phoenix, and Las Vegas; however, they cannot

begin to keep pace with the rising workload in this area. These operations continue to be primarily based in the southeast and the west, but the problem is growing.

In recent hearings before the Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce, U.S. House of Representatives, numerous witnesses testified to the committee with regard to telemarketing fraud and its effect on the American public. In the testimony presented by Mastercard International Incorporated and VISA U.S.A. Inc., it was stated that, "estimated in 1989 that losses due to telemarketing fraud exceed \$1 billion per year." Mastercard and VISA also stated that "The amount of this fraud since 1989 continued to grow. There are hundreds of thousands--if not millions--of victims of telemarketing fraud in the United States each year. The elderly, the trusting and other susceptible population groups make up a disproportionately large share of these victims."

Bankruptcy Fraud: FBI experience has shown that bankruptcy fraud cases are complex and require substantial lengths of time to investigate. The number of bankruptcies filed in the United States increased dramatically during the 1980s. This increase is partially due to economic conditions, but also to the liberalization of the bankruptcy filing process. The increased bankruptcy filings have severely strained the ability of the bankruptcy court to monitor the progress of individual cases, greatly enhancing the opportunity for fraud. In some cities, a widespread belief exists that there is a license to steal by committing bankruptcy fraud. In 1991, the FBI utilized 52 Agent workyears in bankruptcy fraud investigations. The 1993 request is for an additional 16 Agent and 10 support positions and \$1,655,000.

The sheer volume of bankruptcy filings and dollar amounts in the system offer a ripe opportunity for abuse. This abuse, known to exist, is largely unaddressed. FBI resources are concentrated on major "Bust-Out" operations, the organized type of bankruptcy, leaving bankruptcy fraud involving individuals too infrequently investigated.

On October 26, 1986, the "Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986" was enacted which greatly expanded the U.S. Trustee Program. The U.S. Trustee's office is the "Watchdog" agency tasked with identifying fraud within the bankruptcy system and referring such matters to the FBI and to the U.S. Attorney's office for investigation and prosecution. The U.S. Trustee actually seeks and encourages prosecution of bankruptcy fraud to establish the necessary deterrence and actively supports such prosecution through expertise in understanding complex bankruptcy matters. The FBI is the sole law enforcement agency responsible for bankruptcy fraud investigations and must maintain its support of the Office of the United States Trustee. The impact of bankruptcy matters continues to be a growing crime problem. The FBI anticipates that the current operations will expand and reveal other areas of bankruptcy crimes.

The bankruptcy courts have swelled with the onslaught of bankruptcy filings. In addition to having an impact on the courts, the massive number of bankruptcy filings is having an effect on FBI workload. An even greater increase in bankruptcy fraud cases is anticipated due to the Financial Institution Fraud crisis. Several defendants in FIF cases have filed bankruptcy declaring they have no assets or inadequate assets to repay debts owed. An increase in criminal and civil forfeiture actions relating to the FIF crisis may cause a significant increase in the number of bankruptcies filed and the number of individuals committing bankruptcy fraud to conceal assets.

Debtors, who are faced with bankruptcy, may hide their assets prior to filing bankruptcy and/or otherwise make gross misrepresentations to the U.S. Bankruptcy court in order to fraudulently convert assets rightfully belonging to creditors to themselves. Bankruptcy "specialists" are acting in concert with bankruptcy trustees, attorneys, and auctioneers to deceive the bankruptcy court and embezzle and/or steal assets from the bankrupt estates. As of September 21, 1991, there were 915 bankruptcy fraud cases currently under investigation by the FBI. A high percentage of these cases were referrals received from the U.S. Trustees.

Computer Crimes: A Memorandum of Understanding (MOU) between the FBI and USSS, updated on June 2, 1989, provided for FBI jurisdiction of computer crimes in traditional FBI investigative areas through concurrent jurisdiction in "Federal Interest" computers. The FBI has concurrent jurisdiction with the USSS in many other computer crimes.

The 1993 request would add an additional 25 Agent, 16 support positions, and \$2,593,000 to this crime initiative. This increased emphasis is in response to the perception of virtually every law enforcement expert that computer crimes are likely to be one of law enforcement's greatest problems in the future. The FBI is taking a proactive approach with regard to computer crimes. The evolution of technology has made computer literacy and accessibility commonplace. This has given opportunities for computer-related criminal activity to almost everyone, from teenage "hackers" to experienced criminals. Through mass marketing of personal computers, the simplification of programming, and the accessibility of pre-packaged software have been instrumental in integrating the computer into everyday life. These same advances have also substantially increased the threat of computer-related crimes.

The FBI has found that computer crime is often one of the most elusive crimes to investigate. It has no geographic limitation, and the entire transaction may last less than a second. It can also threaten the integrity and reliability of sensitive computer systems. The FBI has found that many computer crimes are much like traditional crimes except that the criminal uses a computer as the instrument of the offense instead of the forger's pen and fraudulent documents. Other activities, however, such as unleashing destructive viruses, are unique to computers. All have the potential for causing great financial loss or denial of service in a matter of seconds or for causing destructive effects that can last for days, weeks, or months.

Computers have become an integral part of American government, as well as scientific, financial and business communities. Computer technology, with all of its gains, has also developed a new breed of criminal: the technologically sophisticated thief who clandestinely breaks into computers and steals, alters or destroys computerized files. These "high tech" thieves are able to destroy computers, files, and information and interfere with communications between computers belonging to individuals and institutions from any location in the world. Computer security and computer-related crimes are significant problems in the U.S. Computer aided attacks on government and corporate computer networks are becoming more numerous and sophisticated. While estimates vary, computer industry sources indicated that computer related crime (including software theft) costs U.S. companies as much as \$5 billion per year, with each incident costing approximately \$450,000. The attacks may involve "hackers" merely browsing through a computer's files, but more frequently they involve the theft of information and vandalism directed at not only individual computers but also entire networks. More recently, incidents of computer viruses and network-based computer

worms have seriously undermined the integrity of the Nation's computers.

The FBI is revamping policy and procedures with regard to computer fraud investigations. It is anticipated that these new policies and procedures will drastically increase the number of computer fraud investigations. Under the new guidelines, all FBI field offices will review any allegation of a computer crime that may have occurred. In addition, the FBI is establishing an entire squad in the FBI's Washington Metropolitan Field Office (WMFO) to address national and international computer fraud. The WMFO squad will act as a liaison with all FBI field offices and will be able to interface with Agents throughout the country to address computer fraud crimes which are national in scope.

No other law enforcement organization has the ability to address these sophisticated crimes which are both national and international in scope. FBI contacts in the international law enforcement community have revealed that they, too, are gearing up to address anticipated serious law enforcement problems in the computer crimes area in the future.

Federal Bureau of Investigation

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

| Activity: | 1992 as Enacted | | | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | |
|---|-----------------|-------|----------|-----------|-------|----------|---------------|-------|----------|-------------------|--------|
| | Per. | Pos. | Amount | Per. | Pos. | Amount | Per. | Pos. | Amount | Per. | Amount |
| Investigative Support | 366 | 355 | \$28,213 | 366 | 355 | \$37,272 | 366 | 355 | \$37,272 | ... | ... |
| Training..... | 358 | 347 | 30,095 | 358 | 347 | 32,129 | 358 | 347 | 32,129 | ... | ... |
| Forensic Services-Federal..... | 497 | 485 | 136,772 | 497 | 485 | 142,542 | 497 | 485 | 136,218 | ... | -6,324 |
| Automated Data Processing and Telecommunication... | 739 | 817 | 41,492 | 739 | 817 | 44,609 | 739 | 817 | 44,609 | ... | ... |
| Information Management Technical Field Support and Equipment..... | 187 | 169 | 75,116 | 187 | 184 | 92,449 | 210 | 190 | 101,828 | 23 | 11,379 |
| Total..... | 2,147 | 2,173 | 311,688 | 2,147 | 2,188 | 349,001 | 2,170 | 2,194 | 354,056 | 23 | 5,055 |

Investigative support for FBI programs is provided through training, forensic laboratory examinations and research, efficient management of investigative and administrative records, automatic data processing and telecommunications management and maintenance, and technical field support and equipment supply.

| Activity: | 1992 as Enacted | | | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | |
|--------------------|-----------------|------|----------|-----------|------|----------|---------------|------|----------|-------------------|--------|
| | Per. | Pos. | Amount | Per. | Pos. | Amount | Per. | Pos. | Amount | Per. | Amount |
| Training | 366 | 355 | \$28,213 | 366 | 355 | \$37,272 | 366 | 355 | \$37,372 | ... | ... |

Long-Range Goal: To develop and improve the investigative, managerial, and technical capabilities of FBI Special Agents and support personnel through research, education, and training to insure that they are prepared to carry out their responsibilities in an efficient and effective manner and in compliance with the law and Government regulations.

Major Objectives:

To provide the highest level of training services for all new agents and to ensure that their knowledge and skills are developed to enable them to discharge increasingly complex responsibilities in a professional manner from the outset of their careers.

To afford advanced professional training and investigative support at the levels specified in the workload section of this submission for special agents and support personnel, enabling them to carry out their responsibilities in an efficient, professional, and effective manner.

To improve the ability of mid-level and upper-level FBI executives to carry out their increasingly complicated responsibilities more effectively and to provide for job enrichment and career development opportunities for support personnel through educational and training programs at the levels specified in the workload section of this submission.

To conduct necessary research and provide evaluative, investigative, and operational assistance to FBI field offices and FBI Headquarters in areas where FBI Academy personnel have specialized expertise.

To enhance FBI/Drug Enforcement Administration (DEA) investigative operations through the continued collocation of FBI and DEA basic agent training at the FBI Academy.

To provide firearms and related equipment to ensure that FBI Special Agents are better prepared than today's criminal element and, at the same time, to ensure the safety of these agents and the public when conducting investigations.

To maintain and improve the land, buildings, equipment, furnishings, and fixtures which make up the FBI Academy complex in a manner consistent with and conducive to an effective, efficient, safe, and healthy learning and living environment.

Basic Program Description: The Training Program supports the FBI's mission by developing and improving the investigative, managerial, and technical capabilities of FBI personnel through research, education, and information to insure that they are prepared to carry out their responsibilities efficiently and effectively, and in compliance with the law and Government regulations. The Training Program consists of four program elements: New Agents Training; Advanced Professional (in-service) Training and Direct Field Support; Research, Faculty Development, and Liaison; and Maintenance and Improvement of the FBI Academy's Physical Plant. The four program elements of the Training Program are described as follows:

New Agents Training: The period of instruction for a special agent trainee at the FBI Academy includes, but is not limited to, the following major topics over a period of 16 weeks, and 1 day (81 days): substantive statutory violations, national security matters, basic law enforcement and forensic skills, behavioral science, legal instruction, communications, field office administration, firearms, arrest techniques, physical fitness, professional conduct, and ethics. Newly acquired skills in these areas are applied in various practical problem and moot court situations. The

new Agents training staff continually reviews and modifies the curriculum to insure that trainees receive proper instruction in priority areas.

Advanced Professional Training and Direct Field Support: Special Agents are brought back periodically to the FBI Academy for instruction in specialized areas based upon the investigative needs and priorities of the FBI. Specialized training and direct field support are also provided by FBI Academy instructors and FBI Headquarters personnel in field offices if this method is more cost-effective or responds to the particular need of a specific field office.

Research, Faculty Development, and Liaison: A limited number of FBI Academy faculty members and field instructors are pursuing graduate study in job-related areas at various colleges and universities when instructional and investigative duties permit. In addition, ongoing faculty exchange programs exist between FBI Academy personnel and the Australian, British, and Canadian Police Colleges. FBI Academy instructors attend symposia and seminars and participate in other relevant educational experiences when possible. The faculty also maintains liaison with selected foreign law enforcement agencies and several foreign and United States military counterterrorism units for exchange of training information and equipment.

Maintenance and Improvement of Physical Plant: Employees assigned to eight maintenance and craft shops perform the required maintenance and improvements for the FBI Academy complex, which includes the following: 385 acres; 25 major buildings; 23 fully-equipped classrooms; 15 training, storage, and utility structures; the Practical Problems Training Complex; six FBI firearms ranges; and DEA's International Training Facility at Camp Upshur (located approximately 20 miles from the main Academy complex).

Base level funding for 1993 reflects a proposal to fund construction initiatives and training equipment through an advance appropriation from the Assets Forfeiture Fund of the Department of Justice (DOJ). The three construction initiatives at the FBI Academy total \$6,430,000. These projects include: continued development of Hogan's Alley (\$3,750,000), an architectural and engineering (A&E) feasibility study for a Firearms Training Facility (\$1,800,000), and handicapped access to the FBI Academy Dining Room (\$880,000). The expansion of Hogan's Alley will include site development, the construction of additional office and classroom space, and construction of a municipal building to include a courtroom facility. The A&E study will identify firearm training needs, determine whether this facility could be placed in one or more buildings, the land use for the proposed facility, and estimate a probable construction cost. The third construction initiative would allow for a handicap accessible elevator to accommodate physically handicapped individuals in compliance with Public Law 28, Code of Federal Regulations, Part 42, entitled "Enforcement of Nondiscrimination on Basis of Handicap in the Department of Justice Federally Assisted Programs". The final component of this proposal is for training equipment at the FBI Academy totalling \$900,000 consisting of: Audiovisual/Replacement Equipment (\$470,000) for the redesign and replacement of a portion of the FBI Academy's audiovisual (A/V) presentation equipment and systems which are 20 years old; and Satellite Telecasting (\$430,000) to provide an earthstation/space satellite uplink to permit frequent origination of national telecasts by satellite directly from the FBI Academy to downlinks in field offices. Assets Forfeiture Fund resources are being proposed to fund these construction and equipment items because each will help train new and current Agents to investigate seizure and forfeiture related matters.

Accomplishments and Workload: Accomplishments of the Training Program are presented in the following table:

| Item | Estimates | | |
|--|---------------|---------------|----------------|
| | 1990 | 1991 | 1992 |
| 1. New FBI Special Agents Trained/ Student Training Days (STD): Actual/Planned | 532/36,086 | 673/54,513 | 320/25,920 |
| 2. Employees Attending Specialized/ Advanced In-Service Training at Academy/STD: Actual/Planned | 6,517/32,584 | 5,693/31,403 | 5,101/42,906 |
| 3. SAs Trained in Field & HQ/ Total Hours Training: Actual/Planned | 9,705/659,940 | 9,905/673,540 | 10,297/700,196 |
| Explanation: This represents 68 hours mandated training for field and Headquarters' agents. This training, mandated by current FBI policies and regulations, is designed to maintain and improve investigative, technical, and administrative skills, and includes a wide variety of instruction, such as firearms, defensive tactics, Federal legal procedures, and other issues which impact on all FBI investigative personnel. | | | |
| 4. Support Employees Trained in Field & Headquarters/ Total Hours Training: Actual/Planned | 12,625/50,500 | 13,413/53,652 | 14,075/56,300 |
| Explanation: This represents four hours of mandated training for all field and Headquarters' support personnel. This training is designed to update support employees on administrative and operational functions of the FBI, with particular emphasis on policy changes, personnel matters, and suggestions to improve efficiency and effectiveness. | | | |
| 5. Academy Maintenance Support Work Hours: Actual/Planned | 279,658 | 271,310 | 303,680 |

| Item | 1990 | 1991 | Estimated 1992 | |
|---|-------|-------|----------------|-------|
| | | | 1992 | 1991 |
| 6. FBI Investigative Support-Cases Analyzed: Actual/Planned | 301 | 320 | 466 | 575 |
| 7. Psychological Services: Actual/Planned | 312 | 522 | 500 | 500 |
| 8. TV Studio: | | | | |
| Original Products | 13 | 28 | 20 | 35 |
| Finished Minutes | 2,328 | 1,684 | 2,600 | 3,000 |
| Technical Service Jobs | 502 | 579 | 550 | 600 |
| Satcasts | 9 | 14 | 14 | 20 |
| Televised satcast hours | 27 | 22 | 21 | 24 |

Figures in decision unit workload charts which refer to students are presented in two ways: (1) the number of students and (2) student training days (STD), which is the number of students in each course multiplied by the number of training days in each course, or total training hours. Projections are based on an estimated allocation of 40,029 STD for DEA training at the FBI Academy in 1991; 28,650 STD in 1992; and 27,530 in 1993.

Figures for new agents trained represent those who entered on duty in each fiscal year. Effective July 1990, the training period increased from 13 weeks, 3 days to 16 weeks, and 1 day (81 days). There were 748 DEA employees trained at the FBI Academy in 1991. This includes 551 basic agents, 75 diversion investigators, 67 intelligence analysts, and 55 other in-service type training. Most DEA in-service training was conducted off-site from the Academy during 1991. Similar levels of DEA training are planned for 1992 and 1993.

| | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | | | |
|--------------------------------|-----------------|-----------|------------|-----------|---------------|-----------|-------------------|-----------|----------|-----|-----|-----|-----|
| | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount | | | | | |
| Forensic Services Federal..... | 358 | 347 | \$30,095 | 358 | 347 | \$32,129 | 358 | 347 | \$32,129 | ... | ... | ... | ... |

Long Range Goal: To support the Federal criminal justice system by insuring, through scientific means, that all physical evidence is fully utilized to develop as much probative information as possible to reconstruct the crime, identify the guilty, and exonerate the innocent; and to provide specialized scientific and technical support to ongoing FBI and Drug Enforcement Administration (DEA) investigations.

Major Objectives:

To provide professional, expeditious handling of approximately 11,500 Federal requests for scientific examination of physical evidence.

To assist in the prosecution of Federal criminal matters by providing 775 workdays of expert testimony in a full range of forensic disciplines.

To make significant progress in research projects designed to make the best use of physical evidence, stay abreast of new technology, and improve the ability to support ongoing investigations.

To provide general forensic science training courses to approximately 1,200 FBI and DEA investigative personnel, and conduct approximately 18 specialized forensic in-service courses for 400 FBI and other Federal crime laboratory personnel to maximize the use of physical evidence in the solving of crimes and prosecution of criminals.

To provide approximately 5,200 specially designed investigative devices and apparatus, as required, for use in support of ongoing investigations and to produce approximately 5,500 prosecutive aids such as charts, models and renderings.

To rapidly respond to and provide 800 workdays of on-site scientific or technical expertise in ongoing Federal investigations.

To effectively and efficiently employ FBI language, polygraph, photographic and other resources by managing various major FBI programs.

Base Program Description: Under the Forensic Services - Federal Program, FBI Laboratory examiners participate in ongoing field investigations by conducting crime-scene searches; performing special surveillance photography; executing search warrants; and providing other on-scene scientific and/or technical services as necessary. Forensic examinations of evidence are performed in the Laboratory in support of both FBI and DEA. In addition, other Federal evidence is examined as necessary to enhance prosecutive efforts. Funding in this program also supports an active and successful forensic science research program and forensic science training for Federal and crime laboratory personnel at the Forensic Science Research and Training Center; specialized photographic and investigative equipment in support of ongoing investigations; oversight of such programs as the Polygraph Program, the Foreign Language Services Program, and the photographic equipment; and training, publication, research, and operational support provided by the Bomb Data Center.

In 1991, work continued in the design and development of a National DNA Identification Index (formerly Combined DNA Index System). The first of five development phases has been delivered to ten State and local DNA crime laboratories in seven states. When complete, the National DNA Identification Index will represent the means for State and local DNA laboratories to generate investigative leads in violent crime and other criminal investigations through the exchange of DNA records.

Accomplishments and Workload:

| Item | 1990 | | | 1991 | | | Estimates 1992 | | |
|-------------------------------------|-------|------|-----------|-------|------|-----------|----------------|------|-----------|
| | Perm. | Pos. | Amount | Perm. | Pos. | Amount | Perm. | Pos. | Amount |
| Requests for Examination Completed | | | 11,040 | | | 11,280 | | | 11,500 |
| Specimens Submitted for Examination | | | 101,274 | | | 99,248 | | | 105,000 |
| Examinations Conducted | | | 697,384 | | | 546,355 | | | 575,000 |
| Testimony Workdays | | | 645 | | | 738 | | | 775 |
| Investigative Support Workdays | | | 886 | | | 738 | | | 800 |
| Investigative Aids | | | 5,070 | | | 5,174 | | | 5,200 |
| Prosecutive Aids | | | 5,627 | | | 5,325 | | | 5,500 |
| New FBI Agents Trained | | | 532 | | | 673 | | | 672 |
| FBI In-service Classes | | | 17 | | | 14 | | | 18 |
| FBI In-service Students | | | 328 | | | 289 | | | 400 |
| Work Orders | | | 5,076 | | | 4,031 | | | 5,000 |
| Photographs Processed | | | 2,147,105 | | | 1,799,790 | | | 2,000,000 |
| Pages Translated | | | 13,987 | | | 14,604 | | | 15,000 |
| Polygraph Control Reviews | | | 13,800 | | | 16,119 | | | 17,500 |
| Language Proficiency Tests | | | 5,997 | | | 5,872 | | | 6,200 |

| | 1992 as Enacted | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---|-----------------|------|-----------|-----------|------|-----------|---------------|------|-----------|-------------------|------|----------|
| | Perm. | Pos. | Amount | Perm. | Pos. | Amount | Perm. | Pos. | Amount | Perm. | Pos. | Amount |
| Automated Data Processing and Telecommunications..... | 497 | 485 | \$136,772 | 497 | 485 | \$142,542 | 497 | 485 | \$136,218 | ... | ... | -\$6,324 |

Long-Range Goals. To support the FBI's information collection, storage, retrieval, and dissemination requirements through management of automated data processing and telecommunications (ADPT) resources and implementation of the FBI's Long-Range Automation Strategy (LRAS).

Major Objectives:

To improve FBI productivity by providing an additional 3,271 commercial intelligent workstations (CWS) and related technical support throughout the FBI.

To support prioritized FBI mission requirements for case, program and intelligence management by distributing information to all field offices, Legal Attaches and resident agencies in a timely, secure, and cost-effective manner by way of an integrated data, applications, and communications architecture. In 1993, the capability to handle input of large amounts of seized/subpoenaed information to the data bases will be provided.

To improve accessibility and availability of information systems by renovating and expanding space by 50 percent in the FBI Headquarters Data Center, doubling the capacity of storage media, and renovating field office space in nine offices.

To meet increased capacity requirements and also support integrated data and applications architectures by reducing response time by 50 percent on the secure data communications networks.

To improve office worker productivity in seven field offices by conversion from analog dictation (tape) equipment to digital dictation (compact disc) equipment thereby eliminating the costly step of manually transcribing audio tapes to text.

To support racketeering, counterterrorism, and drug investigations and intelligence operations through the use of advanced computing techniques (expert system capability, massively parallel architecture) and multi-media (voice input and imaging) technology. By 1993, at least 25 major cases will be supported with these technologies.

Base Program Description: The ADPT Program provides information collection, storage, retrieval, and dissemination support to the FBI's Counterintelligence, Criminal Law Enforcement, Law Enforcement Support, Investigative Operations and Support, and Executive Direction and Control missions. The strategic objective of this program is to improve the efficiency and effectiveness of the FBI's mission through the application of state-of-the-art information technology. Since approval of the FBI's initial IRAS in 1981, and with the support of the Administration and Congress, the FBI has made significant progress in achieving its automation goals and objectives. Extended Field Office Information Management System (FOIMS) capabilities, which include field office administrative functions such as word processing, case management (leads, indices, case assignments) and personnel management are now on-line to all field offices and over 400 additional field locations and are supported by two regional computer support centers (RSCCs) and a nationwide network of 9,695 intelligent workstations.

The 1992 appropriation anticipated level reflects the reprogramming of some ADPT security functions and all communications security functions of the Automated Data Processing and Telecommunications program to Other Field Programs. This reprogramming action affected six support positions and \$213,000.

Accomplishments and Workload:

| Item | 1990 | | 1991 | | Estimates | |
|---------------------------|---------|---------|---------|---------|-----------|------|
| | 1990 | 1991 | 1991 | 1992 | 1992 | 1993 |
| 1. FBI Computer Centers/* | | | | | | |
| a. Throughput requested | 757,855 | 794,204 | 794,204 | 832,204 | 872,204 | |
| b. Throughput run | 757,855 | 794,204 | 794,204 | 832,204 | 872,204 | |
| c. On-line Applications | 98 | 98 | 98 | 103 | 109 | |

* The increasing requirements for Direct Access Storage Devices (DASD) are due to normal growth as additional applications are added. As the FBI moves to electronic files, increased textual data will require more DASD.

| Item | Estimates | |
|------|-----------|------|
| | 1992 | 1993 |

| | | |
|-------------------------|--------|--------|
| d. On-line Data | | |
| DASD (Gigabytes) | 630 | 1,200 |
| e. On-line Terminals/** | | |
| IMS | 6,573 | 9,432 |
| Standard terminals | 1,983 | 453 |
| f. On-line Users | | |
| FBI | 9,167 | 16,300 |
| Law Enforcement (NCIC) | 66,000 | 66,000 |
| 2. STU-IIIs | | |
| a. Actual | 1,604 | 2,799 |
| b. Required | 2,976 | 2,976 |

** IWSs already in inventory will be added on-line as well as workstations to be purchased in 1993; therefore, the change in on-line terminals added is greater than the number of workstations to be purchased in 1993. Standard terminals will be phased out in 1992.

3. Microcomputer Support

Personnel Assigned By Function

| | | | |
|-----------------------------|---|---|---|
| a. Unit Management | 0 | 2 | 2 |
| b. Contract Administration | 5 | 6 | 6 |
| c. Test and Evaluation | 5 | 3 | 3 |
| d. Configuration Management | 2 | 2 | 2 |
| e. Application Management/ | | | |
| User Support | 3 | 4 | 4 |

FBI-wide Support Provided

| | | | |
|------------------------|-----|-----|-----|
| By Number of Locations | | | |
| f. Headquarters | 15 | 15 | 15 |
| g. Field Offices | 56 | 56 | 56 |
| h. Resident Agencies | 357 | 357 | 357 |
| i. Legal Attaches | 0 | 19 | 19 |

Estimates
1992 1991

Item

1990

1991

1992

Workstations/*

j. Required

k. Available

4. Database Admin. Program

a. Database Environments

b. DBMS Software/Tools

c. Application Systems

d. Computer Facilities

e. Hardware Platforms

5. Drug Information System

a. Functions Supported

b. Locations Supported

* The workstations required will continue to increase with the FBI's Target Staffing Level in order to achieve the goal of one workstation per two positions. The workstations available are based upon the number that will be acquired with available funding. Delivery and installation of the workstations may occur in a different fiscal year than the year they are funded. Number does not include standard terminals in inventory; however, it does include the workstations bought via the Air Force contract at the end of 1991.

6. Investigative Support Information System (ISIS)

a. Investigative Support

b. Visual Investigative Analysis Functions

c. Fugitive Information System Functions

d. Input Express Functions Supported

e. On-line ISIS Cases/*

f. Locations Supported

* Although 170 databases are supported by ISIS, some of them maintain multiple cases which explains 1991 decrease.

| Item | 1990 | 1991 | 1992 | Estimates | 1993 |
|---|---------------------------------------|--|---|-----------|------|
| 7. Terrorist Information System (TIS) | | | | | |
| a. Functions Supported | 8 | 17 | 29 | 30 | |
| b. Locations Supported | 56 | 56 | 58 | 62 | |
| Training was provided to 119 Special Agents-in-Charge (SACs) and Assistant Special Agents-in-Charge (ASACs). Additionally, end-user microcomputer training was provided to over 6,000 students. | | | | | |
| Software components of Generic Case Management System (GCHS) I was implemented in four pilot offices in support of: online guidelines, reporting requirements, national phone file, indices search, electronic document transfer, case files, Agent caseload and workbook. | | | | | |
| Extended baseline Field Office Information Management System (FOIMS) functionality was provided to all remaining resident agencies to complete fieldwide implementation. | | | | | |
| Software development, testing, and implementation of new NCIC software modules to replace existing inquiry module for wanted and missing person, stolen license plate, and stolen vehicle, boat and part records was completed. | | | | | |
| The investigation and prosecution of the murder of Judge Robert S. Vance was supported through extensive use of computer automation to analyze, collate, and match four million records that were received from 26 different sources, i.e., subpoenaed telephone records, prison release and parole records. | | | | | |
| Enhanced analytical capabilities for counterterrorism requirements were provided in response to the Persian Gulf War. As a result, the FBI was able to effectively concentrate resources on potential threat areas. | | | | | |
| Program Changes: | | | | | |
| Automated Data Processing and Telecommunications..... | Perm. Pos. 485 Amount \$142,542 | 1993 Estimate Perm. Pos. 485 Amount \$136,218 | Increase/Decrease Perm. Pos. 485 Amount -\$6,324 | | |
| Program Decrease: For 1993, the FBI is requesting a program decrease of \$6,324,000 for the ADPT program to meet targeted budget levels under the Budget Enforcement Act. This reduction would defer planned ADPT equipment replacement for the FBI Headquarters and Regional Computer Support Centers by one year. | | | | | |

| | 1992 as Enacted | | 1991 Base | | 1991 Estimates | | Increase/Decrease | |
|-----------------------------|-----------------|--------------|-----------|--------------|----------------|--------------|-------------------|-----------|
| | Per. | NY Amount | Per. | NY Amount | Per. | NY Amount | Per. | NY Amount |
| Information Management..... | 739 | 817 \$41,492 | 739 | 817 \$44,609 | 739 | 817 \$44,609 | ... | ... |

Long-Range Goal: To improve information systems and services; anticipate and adopt new capabilities; and facilitate lawful public access to FBI records in response to Freedom of Information/Privacy Acts (FOIPA) requests.

Major Objectives:

To provide file review, name search, and locate services in response to name check requests received from Executive Branch agencies and FBI Headquarters divisions.

To identify user requirements, conduct feasibility studies, define system requirements, initiate pilot projects, and implement information systems to support information management activities.

To process FOIPA requests in a timely manner and hold backlogs to a minimum.

Base Program Description: The Information Management Program consists of three major components: Automation Section, FOIPA Section, and the Information Services Section. All components support the management of FBI information from collection to disposition, by establishing, implementing, and monitoring, systems and procedures for the storage, maintenance, security, retrieval, quality assurance, and final disposition of the information.

In a 1991 reprogramming the Security Programs (field and Headquarters) component has moved to Other Field Programs.

Accomplishments and Workload: Accomplishments and workload relating to programs within the Information Management Program are presented in the chart below:

| Item | Estimates | | | |
|---------------------------------------|-----------|-----------|------------|------------|
| | 1990 | 1991 | 1992 | 1993 |
| Mail to be Handled | 3,000,000 | 3,100,000 | 2,000,000* | 2,000,000* |
| Files Requested | 465,427 | 500,000 | 600,000 | 600,000 |
| Mail Processed (single-station) | 630,560** | 650,000 | 650,000 | 675,000 |
| Mail Filed | 1,612,300 | 1,625,000 | 1,000,000* | 1,000,000* |

| Item | 1990 | 1991 | 1992 | 1993 |
|--|-------------|-------------|-------------|-------------|
| Records Disposition & Archival | | | | |
| Files Reviewed | 190,000 | 200,000 | 200,000 | 210,000 |
| FOIPA Rev/Reopened Requests | 20,241 | 12,258 | 12,943 | 12,943 |
| FOIPA Requests Closed | 19,667 | 12,857 | 11,908 | 13,092 |
| FOIPA Backlog/Work on Hand End of Year.. | 8,586 | 7,987 | 9,022 | 8,873 |
| Name Checks | | | | |
| Direct | | | | |
| Received & Processed..... | 1,043,789 | 552,689*** | 800,000**** | 600,000 |
| Federal User Fee/REIMS | | | | |
| Received & Processed..... | 1,009,182 | 1,242,224 | 1,300,000 | 1,350,000 |
| # for Which Fees Received..... | 915,231 | 1,196,644 | 1,293,300 | 1,343,300 |
| Revenue Earned..... | \$4,086,150 | \$5,349,050 | \$5,454,323 | \$6,000,000 |
| Total Name Checks | | | | |
| Received & Processed..... | 2,052,971 | 1,794,913 | 2,100,000 | 1,990,000 |

* Through thv. Total Quality Management initiatives, a reduction in the volume of mail to be processed will be achieved.

** These figures reflect the new work received in 1990 and work not processed in 1989 that was carried over.

*** Decrease due to Federal User-Fee program implemented on January 1, 1990.

**** Increase based on Presidential convention, Presidential transition, and the 1992 Summer and Winter Olympics.

***** Federal User Fee program was implemented on January 1, 1990. Fees were not collected on all receipts.

The Automation Section coordinated technical and information management efforts associated with the conversion to "ADABAS" (Data Base Management System Technology) to support the on-line Automated Records Management Systems Applications (Personnel Automated Records System, File Automated Control System, Automation of Incoming Mail Serialization, Headquarters General Index); developed and expanded applicable on-line bar code technology to enhance the file inventory and tracking subsystems; documented and coordinated an Automation Contingency Plan to recoup operational capability in the event of natural disasters, outside intervention, or other major system interruptions; and continued evaluation and monitoring of system performance, availability, and integrity in terms of meeting information management needs.

Requirements were defined to enhance the Field Office Information Management System to provide a single view of case information across field offices to include documents, leads, and evidence. Functional requirements for electronic mail have been developed and an analysis of alternatives for implementation is underway.

The Information Services Section automated 137 of the most commonly used forms; automated FBI manuals to make revisions electronically, thereby eliminating delays in the updating and distribution process; developed and implemented procedures for

an archival accession/destruction program at the Savannah Information Technology Center; and converted over 80 percent of 1.2 million Electronic Surveillance Index cards to an automated format.

Several initiatives were implemented to better serve the FBI: the volume of mail processed for file was reduced by 30 percent; all incoming mail, internal mail and files are now personally delivered by messengers providing more timely and accountable service. A records center in Alexandria, Virginia (Pickett Street) was established in December 1991 for file storage.

| | <u>1992 as Enacted</u> | | <u>1993 Base</u> | | <u>1993 Estimate</u> | | <u>Increase/Decrease</u> | |
|-------------------------|------------------------|-----|------------------|-----|----------------------|----------|--------------------------|----------|
| | Pos. | MY | Pos. | MY | Pos. | MY | Pos. | MY |
| Technical Field Support | | | | | | | | |
| and Equipment..... | 187 | 169 | \$78,116 | 187 | 184 | \$92,449 | 210 | 190 |
| | | | | | | | \$103,828 | 23 |
| | | | | | | | | 6 |
| | | | | | | | | \$11,379 |

Long Range Goal: To continue to respond to changes in telecommunications and computer technology that may affect law enforcement effectiveness.

Major Objectives:

- To provide the FBI and other law enforcement agencies with intercept methodologies for new telecommunications technologies.
- To support the FBI's complex investigative matters by providing field office personnel with advanced technical equipment and on-site technical assistance.
- To provide and manage a vehicle fleet in excess of 9,500 vehicles; maintain safe, reliable, and effective passenger carrying and special purpose vehicles by managing and replacing vehicles in the most cost effective manner.

Base Program Description: The Technical Field Support and Equipment (TFSE) Program provides technical investigative support to FBI field offices and maintains centralized management of all field equipment to maximize its use and to expedite the completion of complex investigative matters. Frequently, investigative objectives can only be met with sophisticated technical equipment. All FBI field investigative programs are dependent upon the technical support, equipment, and services provided by this program. The primary thrusts of the TFSE Program are the development, design, engineering, acquisition, distribution, and installation of technical support equipment for the successful accomplishment of the FBI's investigative mission, as well as the development of an adequate and trained staff to install, maintain, and assist in the operation of that equipment.

The 1992 appropriation anticipated reflects the reprogramming of the Emergency Plans function of the TFSE program to other Field Programs. This reprogramming action affected three positions and \$189,000. The 1993 base reflects the advance appropriation from the Department of Justice Assets Forfeiture Fund of \$10,500,000 for 690 replacement automobiles and

\$5,300,000 for development of operational techniques and equipment.
 Accomplishments and Workload: Accomplishments and workload of the Technical Field Support and Equipment Program are presented in the following table:

| Item | Estimates | |
|---|-----------|--------|
| | 1991 | 1992 |
| 1. Digital voice privacy radio | | |
| a. Field locations demand | 56 | 56 |
| b. Systems funded (cumulative) | 42 | 54 |
| c. Installations underway | 42 | 54 |
| d. Operational/acceptance test (cumulative) | 30 | 44 |
| 2. Electronic technicians (ETs) | | |
| a. Field ETs available | 306 | 318 |
| b. In-service attendees | 240 | 290 |
| 3. Frequency management | | |
| a. FBI frequency assignments | 15,500 | 22,000 |
| b. DOJ frequency assignments | 22,939 | 32,000 |
| c. Radio interference instances | 117 | 155 |
| 4. Closed-circuit television | | |
| a. Concealments produced | 15 | 15 |
| b. Equipment items provided to field offices | 250 | 350 |
| 5. Audio processing | | |
| a. Field processing workstations installed (cumulative) | 7 | 7 |
| b. Forensic specimens received | 2,193 | 2,300 |
| c. Forensic specimens examined | 2,250 | 2,250 |
| d. Forensic examinations conducted | 2,260 | 2,260 |
| e. Court testimony requested | 32 | 42 |
| f. Court testimony provided | 32 | 42 |
| 6. Dialed number recorders/lines covered per year | 4,133 | 4,820 |
| | | 5,206 |

| Item | Estimates | |
|---|-----------|-------|
| | 1992 | 1991 |
| 7. Cellular telephone intercepts | 193 | 371 |
| 8. Field recording equipment | | |
| a. Additional units required | 774 | 770 |
| b. Additional units acquired | 200 | 457 |
| c. Obsolete units in inventory (BOY) | 1,674 | 1,674 |
| d. Obsolete units replaced | ... | ... |
| 9. Rapid prototyping projects completed | 21 | 50 |
| 10. Automated tests completed | 256 | 650 |
| 11. In-house fabrications completed | 250 | 280 |
| 12. Interception of communications/ electronic devices | | |
| a. Cases | 114 | 134 |
| b. Examinations conducted | 1,081 | 1,311 |
| FBI Vehicle Fleet | | |
| Sedans | | |
| Beginning of Year | 6,881 | 7,233 |
| Eligible for Replacement | | |
| 6yr/80,000 miles | 3,159 | 3,206 |
| 8yr/80,000 miles * | 1,263 | 1,820 |
| Number Replaced | 1,142 | 1,300 |
| Remaining Number that Exceed Replacement Standards | 2,017 | 1,906 |

* These numbers are also included in the six year replacement figures.

| Item | Estimate | | |
|------------------------------|----------|-------|-------|
| | 1990 | 1991 | 1992 |
| Other Motor Vehicles | | | |
| Beginning of Year | | | |
| Eligible for Replacement | 799 | 815 | 974 |
| Number Replaced | 402 | 340 | 312 |
| Remaining Number that | 106 | 180 | 100 |
| Exceed Replacement Standards | 296 | 160 | 212 |
| Vehicles Purchased ** | 1,616 | 1,791 | 1,726 |
| | | | 2,543 |

** Vehicles purchased includes the total number of vehicles replaced and additional vehicles purchased.

In 1991, the FBI purchased 1,791 passenger carrying and special purpose vehicles. Of the 1,791 vehicles purchased, 1,480 were replacement and 311 were additional vehicles. The FBI was able to replace 1,400 vehicles in excess of 90,000 miles. The current GSA standard for replacement is 60,000 miles. By replacing these excessive high mileage vehicles, maintenance cost and down time for vehicle repairs decreased. Also, a total of 353 forfeited and 11 excessed vehicles was placed into service. These vehicles were utilized for criminal and foreign counterintelligence undercover operations as well as special operations and general investigative use.

Program Changes:

| Technical Field Support and Equipment..... | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|---|-----------|----------|---------------|-----------|-------------------|----------|
| | Perp. | Amount | Perp. | Amount | Perp. | Amount |
| | 187 | \$92,449 | 210 | \$103,828 | 23 | \$11,379 |

Program Increase:

Advanced Telephony Program: 3 positions (1 workyear) and \$3,904,000

The purpose of the Advanced Telephony Program is to provide the FBI and other law enforcement agencies with intercept methodologies for new telecommunications technologies which have been, and are continuing to emerge, on the market. The telecommunications industry remained virtually unchanged for approximately 50 years. For the most part, the services offered were wireline analog voice. However, the 1980's saw the emergence of cordless and cellular telephones, the proliferation of facsimile machines, and the promise of high speed transmission of video, voice, and data. The driving factors behind these changes are twofold. First, the presence of computers and related digital technology spurred the transition into the "information age" and the attendant need for the timely and voluminous exchanges of information. This need is satisfied by the instant access to voice information and increasing emphasis on computer prepared alphanumeric and image information. The

primary market advancement has been the application of digital technology through the Integrated Services Digital Network (ISDN) which permits the simultaneous transmission of voice, data, and video using existing connections servicing the subscriber's premises. Between 1990 and 1995, the subscriber base of ISDN users is projected to grow from 75,000 to 4,000,000. Second, the desire for mobility has resulted in new markets for telecommunications products and services. This is evidenced by the popularity of cordless telephones (16,000,000), cellular telephones (4,000,000), and paging devices (9,400,000). Advances in the areas of "mobile telephones" now include personal communication networks, "cordless pay telephones," private telecommunications networks using advanced spread spectrum transmission technology, and even a private satellite network for wireless telephones. As in other existing telecommunications technologies, and even a private telephone and pagers, criminal use will increase as the subscriber base increases.

Tactical Operational Support: 20 positions (5 workyears) and \$13,900,000

An increase of 20 positions and \$13,900,000, including \$12,735,000 in nonpersonnel funding is requested to initiate a multi-year research and development effort focused on developing new tactical operations methodologies and equipment. The need for this effort is due to the use of computer and related technologies to counter law enforcement efforts.

Program Decrease: For 1993, the FBI is requesting a program decrease of \$6,325,000 for the TP&SG program to meet targeted budget levels under the Budget Enforcement Act. This reduction would defer planned replacement of technical equipment, furniture, and photographic processing equipment for field programs by one year.

Federal Bureau of Investigation
Salaries and expenses
Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

| Activity: State and Local Assistance | 1992 as Enacted | | 1992 Base | | 1992 Estimate | | Increase/Decrease | |
|---|-----------------|--------------|--------------|--------------|---------------|--------------|-------------------|--------------|
| | Per. Pos. | WY Amount | Per. Pos. | WY Amount | Per. Pos. | WY Amount | Per. Pos. | WY Amount |
| General Law | | | | | | | | |
| Enforcement Training | 219 | \$19,797 | 219 | \$20,618 | 219 | \$20,618 | ... | ... |
| Forensic Services- | | | | | | | | |
| Non-Federal..... | 102 | 10,520 | 102 | 11,267 | 102 | 11,267 | ... | ... |
| Fingerprint | | | | | | | | |
| Identification..... | 1,969 | 134,167 | 1,969 | 97,432 | 1,969 | 200,832 | ... | \$103,400 |
| Criminal Justice Data | | | | | | | | |
| and Statistics | 181 | 178 | 181 | 178 | 181 | 178 | ... | ... |
| Services..... | | | | | | | | |
| Total..... | 2,473 | 2,227 | 2,473 | 2,471 | 2,473 | 2,471 | ... | 103,400 |

This activity supports State and local law enforcement by providing training and furnishing laboratory, identification, and informational services. The FBI National Academy, the National Crime Information Center (NCIC), and the Uniform Crime Reporting (UCR) programs are several of the services funded within this activity.

| Gen. Law Enforcement Trng. | 1992 as Enacted | | 1992 Base | | 1992 Estimate | | Increase/Decrease | |
|----------------------------|-----------------|--------------|--------------|--------------|---------------|--------------|-------------------|--------------|
| | Per. Pos. | WY Amount | Per. Pos. | WY Amount | Per. Pos. | WY Amount | Per. Pos. | WY Amount |
| | 219 | \$19,797 | 219 | \$20,618 | 219 | \$20,618 | ... | ... |

Long-Range Goal: To improve the investigative, managerial, and technical capabilities of local, county, State, and international law enforcement personnel through research, education, and training.

Major Objectives:

To provide training to 1,000 State, local, Federal, and international law enforcement officers through the FBI National Academy program.

To participate in one sectional, two international, and 35 domestic FBI National Academy retraining sessions for the FBI National Academy Associates.

To improve the investigative, managerial, and technical capabilities of criminal justice personnel by providing continually updated education programs at the levels specified in the workload section of this submission at the FBI Academy, at locations throughout the United States, and at selected international sites.

To conduct advanced-level training schools in support of the Field Police Training Program (FPTP) and to conduct schools for criminal justice personnel using FBI Field Police Instructors. (7,500 schools; 250,000 students; 44,000 hours.)

To conduct research and provide evaluative, investigative, and operational assistance in areas where FBI Academy personnel have specialized expertise.

To conduct the FBI National Law Institute for the instruction of State and local legal advisors.

To operate and promote the National Center for the Analysis of Violent Crime (NCAVC) and administer research, training, and investigative support programs designed to assist the law enforcement community in their understanding and investigation of unusual, serial, and vicious violent crimes.

To provide crime analyses, criminal personality profiles, and violent crime-related information to assist the local law enforcement community in the resolution of major crimes of violence at the levels specified in the workload section of this submission.

To conduct faculty exchanges with law enforcement academics (i.e., Australia, Canada, England) thus broadening our experience and exposure in the international community.

Base Program Description: The General Law Enforcement Training (GLET) Program directly supports the FBI's Law Enforcement Services mission, which encompasses the responsibility of the agency to provide forensic, identification, information, and training services external to the FBI. The GLET mission of the FBI is achieved by the interaction of diverse programs offered at the FBI Academy and provided through the Field Policy Training Program (FPTP). The FBI Academy offers a wide variety of training programs which are made available at no cost to select criminal justice personnel. The programs range from highly technical one-week classes to the eleven-week National Academy (NA) programs. The FBI Academy staff conducts research, establishes program objectives, and develops courses of instruction to meet identified training needs. Through the FPTP, over 1,850 trained FBI instructors assigned to 56 field offices and numerous resident agencies participate in local police training programs throughout the nation.

Accomplishments and Workload: Accomplishments of the GLTF Program are presented in the following tables:

| Item | 1990 | 1991 | Estimates | |
|---|--------------|--------------|--------------|--------------|
| | | | 1992 | 1993 |
| 1. Persons Trained in NA Program at Academy/Student Training Days (STD): Actual/Planned | 858/45,260 | 981/52,502 | 1,000/55,000 | 1,000/55,000 |
| 2. Persons Trained at Academy in Executive Development Program/STD: Actual/Planned | 162/1,124 | 166/1,121 | 150/1,500 | 150/1,500 |
| 3. Persons Trained at Academy in Specialized or Technical Program/STD: Actual/Planned | 4,060/21,072 | 3,624/19,704 | 4,970/42,500 | 4,970/42,500 |
| 4. Persons Trained at Local, State, & Regional Facilities by Academy Instructors /# of Schools: Actual/Planned | 23,000/260 | 26,193/388 | 14,500/150 | 14,500/150 |
| 5. Criminal Justice Personnel Receiving Training at State, Local & Regional Training Facilities by FBI Instructors: Actual/Planned | 160,000 | 152,941 | 150,000 | 159,000 |
| 6. Investigative Cases Analyzed: a. Actual/Planned | 1,330 | 1,850 | 3,842 | 4,078 |

Data for workload charts which refer to students are presented in two ways: (1) the number of students and (2) student training days (STD), which is the number of students in the course multiplied by the number of training days in the course. Data is based on an estimated allocation of 36,507 STD for Drug Enforcement Administration (DEA) training at the FBI Academy in 1992, and 44,785 in 1993.

Training for persons at local, state, and regional facilities by Academy instructors includes sophisticated and advanced training in such areas as forensic science, criminal psychology, labor relations, instructor development, and executive

development. In addition to figures cited in item #4, other FBI Headquarters divisions furnished training to personnel in 380 schools in 1991.

In 1991, the FFTP included 55,000 hours of instruction at 7,500 schools, not including figures cited in item #4.

The demand figures for 1990 through 1991 for investigative cases analyzed represent a demand for service from the NCAVC for unsolved homicides and serial violent crimes in the United States and are based upon Uniform Crime Records statistics primarily reflecting annual unsolved homicides in the United States. Approximately one-third of the current cases in the Violent Criminal Apprehension Program were received as "known offender" cases which may relate to unsolved cases. The planned estimates reflect the FBI's projected ability to address these cases in response to requests received from local law enforcement and past experience.

| | 1992 as Enacted | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|--|-----------------|----|----------|-----------|----|----------|---------------|----|----------|-------------------|-----|
| | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY | Amount | Perm. | NY |
| Forensic Services - Non-Federal. | 102 | 99 | \$10,520 | 102 | 99 | \$11,267 | 102 | 99 | \$11,267 | ... | ... |
| Long Range Goal: To support the non-Federal criminal justice system through programs which provide specialized forensic science training to crime laboratory personnel, crime-scene training to law enforcement personnel, and cost-free examination of physical evidence and necessary court testimony for agencies which do not have access to crime laboratories or in complex cases which are beyond the capability of the local laboratories. | | | | | | | | | | | |

Major Objectives:

To provide professional, expeditious handling of 6,500 requests for scientific examination of physical evidence submitted by State and local law enforcement agencies as well as selected foreign contributors.

To assist in the prosecution of criminal matters by providing 1,000 workdays of expert testimony in a full range of forensic disciplines as necessary.

To provide general forensic science training to four sessions of the FBI National Academy involving approximately 1,000 students.

To fully utilize the Forensic Science Research and Training Center to train approximately 1,600 State and local crime laboratory personnel in specialized forensic courses to improve the ability of jurisdictional laboratories to keep pace with the rising forensic examination case load.

To share the results of successful forensic science research projects with State and local crime laboratories by publishing approximately 20 articles in technical journals; by providing FBI representation at approximately 30 national and international scientific meetings; and by publishing four editions of the "Crime Laboratory Digest".

To maintain leadership in the crime laboratory community by hosting the "Annual Symposium on Crime Laboratory Development" and two additional scientific symposia; and through participation in various other scientific meetings and symposia.

Basic Program Description: The FBI Laboratory conducts forensic science examinations of evidence submitted in connection with criminal investigations and prosecutions and provides necessary expert court testimony, without charge, for all duly constituted Federal, State, and local law enforcement agencies in the United States as well as selected foreign countries. All requests for examinations involving State and local matters are carefully screened. It is the policy of the FBI Laboratory to return requests from State and local laboratories when it can be determined that the contributing laboratory has the capability to perform the examination. State and local law enforcement agencies are encouraged to use jurisdictional laboratories when available. However, some law enforcement agencies still do not have access to jurisdictional laboratories and even when available such laboratories often do not have the sophisticated instrumentation and/or expertise to perform the necessary examination(s).

The Forensic Science Research and Training Center (FSRTC), located at the FBI Academy, Quantico, Virginia, uniquely combines forensic science research with forensic science training in a facility designed and equipped to meet the rigorous requirements of these activities. Federal, State, and local crime laboratory and investigative personnel receive training in courses which have been carefully selected and developed after consultations throughout the law enforcement and crime laboratory communities. Many of the courses offered are not available anywhere else in the United States. The Bomb Data Center administers bomb disposal training in render safe methods for the nation's public safety officers at the Hazardous Devices School at the United States Army's Redstone Arsenal, Huntsville, Alabama. The FSRTC's research staff is augmented with visiting scientists from the academic community and other government agencies, and the training staff is augmented, as necessary, with experts from the FBI Laboratory. Training is normally conducted at the FSRTC. However, where proper training facilities exist, FBI Laboratory instructors conduct specialized forensic schools in the field. Results of successful research projects are shared with the crime laboratory community through numerous symposia, seminars and various publications.

Accomplishments and Workload:

| Item | Estimates | |
|--|-----------|---------|
| | 1992 | 1993 |
| Requests for Examination Completed * | 6,500 | 6,500 |
| Specimens Submitted for Examinations * | 70,000 | 70,000 |
| Examinations Conducted * | 360,000 | 360,000 |
| Workdays Spent Testifying | 1,000 | 1,000 |
| Field Investigative Support Workdays | 100 | 100 |

| Item | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------------------|-----------------|-------|-----------|-------|---------------|----------|-------------------|-------|
| | Pos. | Per. | Pos. | Per. | Pos. | Per. | Pos. | Per. |
| National Academy Students | 1,969 | 1,737 | \$134,167 | 1,969 | 1,969 | \$97,432 | 1,969 | 1,969 |
| Specialized Forensic Classes | 51 | | | | | | | |
| Specialized Forensic Students | 1,509 | | | | | | | |
| Road schools | 17 | | | | | | | |
| Foreign Training Classes | 1 | | | | | | | |
| Hazardous Devices Schools | 22 | | | | | | | |
| Hazardous Devices Students | 389 | | | | | | | |

* Increases due to accelerated demand for DNA analysis examinations.

| Item | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------------------|-----------------|-------|-----------|-------|---------------|----------|-------------------|-------|
| | Pos. | Per. | Pos. | Per. | Pos. | Per. | Pos. | Per. |
| Fingerprint Identification... | 1,969 | 1,737 | \$134,167 | 1,969 | 1,969 | \$97,432 | 1,969 | 1,969 |

Long-Range Goal: To provide accurate and timely fingerprint identification and related services to Federal, State, and local criminal justice agencies, as well as other governmental agencies and entities, as mandated by Federal statutes, regulations, and executive orders.

Major Objectives:

To reduce the existing backlog and process all incoming receipts, including the 600,000 fingerprint cards anticipated for Felon Identification in Firearms Sales matters.

To upgrade the capacity of the Interstate Identification Index to process an estimated six percent increase in name check requests in addition to the estimated 6,000,000 name check requests anticipated for Felon Identification in Firearms Sales matters.

To begin the conversion of approximately 32,000,000 original fingerprint cards from manual to electronic format.

To develop a production Image Transmission Network System.

To establish a plan for the phased transfer of approximately 650 Identification Division employees and equipment to Clarksburg, West Virginia.

To host an international forensic symposium on latent prints for approximately 250 attendees.

Base Program Description: The Fingerprint Identification Program serves as the world's largest fingerprint repository. The FBI maintains fingerprint cards on over 25,000,000 criminals and over 36,000,000 military and civilian personnel. These cards are used to provide criminal history information to more than 64,000 authorized criminal justice agencies. The reliance of the criminal justice community on FBI identification services is evidenced by the more than 35,000 fingerprint cards and the almost 14,000 pieces of correspondence received daily. Additionally, approximately 72,000 name search inquiries are received daily either through the submission of magnetic tape or via the Interstate Identification Index.

The identification technology underlying the FBI's current Identification Division Automation System (IDAS) has been superseded by automated fingerprint identification system technology. Moreover, the FBI has experienced difficulty recruiting and maintaining a stable work force in the Washington, D.C., metropolitan area. These two factors resulted in a significant backlog of law enforcement agency identification requests and a loss of confidence in the timeliness and accuracy of FBI identification services. FBI analysis of the dilemma led to the initiation of a fingerprint identification revitalization and relocation project. This project is charted to: (1) develop an integrated Automated Fingerprint Identification System (AFIS) designed to support 21st Century national and international law enforcement identification requirements; and (2) to address Fingerprint Identification Program relocation to correct work-force stability issues.

Congress was apprised of the revitalization and relocation project in 1990 and provided \$185,000,000 to fund the relocation of the Fingerprint Identification Program. These funds, along with the user fee surcharges, will provide resources needed to construct a facility in Clarksburg, West Virginia. A 986-acre site was acquired and site preparations began in October 1991. Current scheduling projects the completion of the new facility by November 1994.

Congress also approved one-time funding of \$40,000,000 in 1992 for the initial development of the AFIS. During 1992, the FBI will implement the Image Transmission Network (ITN) prototype, acquire fingerprint card scanners, and complete the Automated Fingerprint Identification System (AFIS) concepts competition and demonstration phases of the AFIS project. These phases will result in the determination of the specific hardware/software configuration of the AFIS component of the AFIS. During 1993, the FBI will require funding to award a contract to begin converting the current manual criminal fingerprint master card file to electronic images to support the ITN system. Funding will also be required to continue with the implementation of the ITN. The relocation of employees, files and equipment should begin during 1994; the Fingerprint Identification Program should be fully operational in the new facility by June 1995.

| Item | 1990 | 1991 | Estimates 1992 |
|--|--------------|--------------|-------------------|
| Immigration/REINS *** | | | |
| -- Name checks on magnetic tape processed | 38,570 | ... | ... |
| -- Fingerprint cards received and processed | 18,938 | ... | ... |
| -- Revenue Earned | \$266,519 | ... | ... |
| Total All Sources | | | |
| -- Name Checks | 2,248,751 | 600,829 | 661,000 |
| -- Fingerprint Cards Received | 8,160,932 | 8,944,851 | 8,820,000 |
| -- Fingerprint Cards Processed | 7,936,194 | 8,593,093 | 8,469,000 |
| -- Total Revenue Earned | \$38,113,406 | \$49,099,523 | \$49,233,000 |
| Correspondence (Name checks etc.) | | | |
| -- Received | 694,215 | 645,600 | 600,000 |
| -- Processed | 684,925 | 644,090 | 600,000 |
| Name Checks on Magnetic Tape (Other than INS) | | | |
| Expedite and Special Requests Received | 242,202 | 54,431 | 61,000 |
| Disposition Reports | 116,474 | 107,270 | 100,000 |
| -- Received | 2,060,577 | 2,364,736 | 3,000,000 |
| -- Processed | 581,995 | 2,961,366 | 3,500,000 |
| Expungement and Purge Requests | | | |
| Nonserious Offense Fingerprint Cards Purged | 268,584 | 348,572 | 350,000 |
| Fugitives Identified | 41,997 | 25,449 | 20,000 |
| Latent Fingerprint Cases Processed | 35,838 | 42,431 | 42,000 |
| Suspects Identified by | 12,557 | 13,303 | 13,000 |
| Latent Fingerprint Examinations | 2,304 | 2,144 | 2,000 |
| Fingerprint Schools Conducted | 183 | 161 | 180 |
| Interstate Identification Index | | | |
| -- Name Check Requests | 15,147,160 | 17,992,849 | 21,000,000 |
| -- Record Requests | 3,395,893 | 4,172,897 | 4,300,000 |
| Communications Mailed | 9,109,603 | 7,046,833 | 7,437,000 |

*** No submissions planned for permanent residency under Immigration Reform and Control Act of 1986 after 1990.

In January 1991, the FBI leased 22,000 square feet in the United States Post Office Building in Clarkburg, West Virginia, to establish a satellite facility for converting annual arrest records to automated form and to begin recruiting and testing of West Virginia applicants. Fifteen fingerprint identification program supervisory and management personnel were transferred to Clarkburg to support conversion operations and the recruitment, testing, and hiring of potential employees. Through January 28, 1992, the satellite office has received 9,844 applications; 672

potential applicants were interviewed, and 464 background investigations initiated.

In April 1991, the FBI and the State of Florida began operations for the first pilot program for the National Fingerprint File (NFF). Under the NFF, States will submit fingerprint cards for only first-time arrests; previously, States submitted fingerprint cards each time a person was arrested.

During 1991, the FBI assisted in the identification of the victims in eight disasters: a helicopter crash and a Navy ship in the Persian Gulf; multiple vehicle crash in Tennessee; military action in the Persian Gulf; capsized ferry in Jalje, Israel; and three airplane crashes, including one in Malaysia. FBI assistance included the examination of 318 casualties, of which 231 were identified by fingerprints or footprints.

The FBI has selected the General Services Administration Computer Acquisition Center (GSA-FZDCAC) as the acquisition agency for the AFIS project.

Program Changes:

| | 1991 Base | | | 1991 Estimate | | | Increase/Decrease | |
|----------------------------------|-----------|-------|----------|---------------|-------|-----------|-------------------|-----------|
| | Pos. | WV | Amount | Pos. | WV | Amount | Pos. | WV |
| Fingerprint Identification | 1,969 | 1,981 | \$97,400 | 1,969 | 1,981 | \$200,832 | ... | \$103,400 |

Funding totaling \$103,400,000 is requested in 1993 to continue the development and acquisition of two components of the Integrated Automated Fingerprint Identification System (\$100,000,000) and to begin designing and prototyping a Felon Identification in Firearms Sales system (\$3,400,000).

1. Integrated Automated Fingerprint Identification System: \$100,000,000

The FBI's existing automated identification system does not address the demands of a continually growing and highly sophisticated group of state and local automated systems users. As conceived, the IAFIS would consist of three integrated components: an Image Transmission Network (ITN), an automated fingerprint identification system (AFIS), and the Interstate Identification Index. The FBI has acquired the services of the MITRE corporation to support the development of requirements for these components. Moreover, the state-of-the-art technology proposed, through the development of the IAFIS, is critical to the FBI's mission of providing timely fingerprint services to more than 64,000 authorized agencies. Failure to complete this system would jeopardize the future of the national fingerprint repository, which would significantly increase the risk of failing to identify and apprehend the felons and violent criminals that plague our society. During the 1992 budget process, Congress approved \$48,000,000 to support the IAFIS. The FBI anticipates implementing an ITN prototype, acquiring fingerprint card scanners, and completing the automated fingerprint identification system concepts and demonstration phases of the AFIS project with this funding. These phases will result in the determination of the specific hardware/software configuration of the AFIS component of the IAFIS. However, additional funding is required to continue the development and acquisition of the IAFIS.

Cost projections for the IAFIS systems are estimates based upon applying existing AFIS technology to the FBI's Fingerprint Identification program. The current cost estimates for the IAFIS is \$403,000,000, including \$52,100,000 for the Interstate Identification Index, \$147,900,000 for the ITW, and \$203,000,000 for the AFIS. The actual costs of the various IAFIS components will be determined by competitive process. The size and complexity of the IAFIS necessitates a procurement strategy that provides substantial risk reduction and increased competition. The IAFIS system has been designated a Presidential Priority System by the Office of Management and Budget. Other relocation and revitalization costs, such as transition, transfers, and operations and maintenance, are projected at approximately \$105,000,000, for a total estimated cost of \$508,000,000.

o Image Transmission Network (ITW): \$50,000,000

The FBI's current identification work-flow requires that a fingerprint card or other document be physically moved from one processing station to the next to complete the process of identification and criminal record keeping. This process is labor-intensive and, when compounded with similar processes in state identification bureaus, often results in untimely responses to users. The ITW will enable the FBI to accept contributor fingerprint submissions and other information electronically and process them in a paperless environment from end-to-end. Federal and state identification communities have established plans to develop a system of interconnected systems to exchange identification information via telecommunications to aid in the rapid identification of persons.

The development approach for ITW includes the use of prototyping methodologies as a means to insure preparation of more accurate and complete specifications. Prototyping is a process of building and refining a working model of a system or subsets of a system for test and evaluation purposes prior to the full development of the system. The ITW is using prototyping methods that involve "expert" users for the development of the user/machine interface requirements for the fingerprint processing workstations. This includes definition of the work functions, workflow, screen designs, and user dialogue. Other prototyping activities will focus on technology issues such as the feasibility and practicality of intelligent character recognition technologies and the determination of communication bandwidth requirements.

Prototyping will also be used to evaluate the operational characteristics of performing fingerprint identification in a paperless environment. The results of these prototyping activities will be used to develop, in part, the ITW system specifications for the production ITW system. A contract for the ITW prototype was awarded in September 1991. Evaluation of the prototype will be completed in October 1992. Congress provided \$8,000,000 in 1992 to support the ITW effort. This funding will be used in 1992 to acquire fingerprint card scanners that are necessary to begin the image conversion of FBI criminal master fingerprint card files and process submissions from non-electronic contributors.

As a result of the prototyping effort during 1992, the FBI will be in a position in 1993 to conduct a competitive acquisition to obtain a vendor for the development of the production ITW/FBI system. A Request For Proposal (RFP) is planned for Fall 1992, leading to an award in approximately March 1993. The total cost of ITW is projected to be \$147,900,000. Funding in 1993, in the amount of \$50,000,000, will be used to acquire the initial suite of computer hardware and peripheral equipment necessary to begin full-scale development of the ITW. Additional funding will be required through 1996, for equipment and services needed when transition to West Virginia commences. Start-up of the

ITW initial operating capability is scheduled for June 1995.

o **Fingerprint Card Conversion: \$50,000,000**

Positive identifications have always been made visually by trained fingerprint examiners comparing two sets of fingerprints in hard copy form, usually a known set of fingerprints of a suspect and the questioned latent fingerprints developed at the scene of a crime. Currently, the FBI has master fingerprint card files for nearly 25,000,000 criminals and almost 38,000,000 military and civilian personnel. By 1995, the number of criminals is projected to grow to 32,000,000. In order to use one of these cards to make an identification, the card must be retrieved from the master file and compared to the incoming set of prints. Once the comparison has been completed, the fingerprint card is refilled. This is a totally manual and very labor-intensive process. Additionally, no other examiner can use the card to make comparisons while it is out of the file. Because of the size of the files and the complexity of the existing classification systems, a significant number of cards become misfiled.

Under the ITW, the FBI will be able to receive and process electronic fingerprint images submitted by other Federal, State, and local criminal justice agencies. Fingerprints will be stored as images in an electronic database. Examiners will be able to call up fingerprint images of suspects on computer workstations and compare them against crime scene images. Multiple examiners will be able to access, view, and compare the fingerprints of the same suspect simultaneously.

To achieve this capability, it will be necessary to convert the existing criminal fingerprint card master file to an electronic format. This conversion effort will be a multi-year project, starting in 1993 and ending in 1995, to coincide with the beginning of full IAFIS operations. Because these images will form the image database for IAFIS operations, the fingerprint card conversion effort must parallel the development and implementation of the ITW. Funding totaling \$50,000,000 is required to acquire contract services to convert approximately 32,000,000 criminal master fingerprint cards to an image format between 1993 and 1995. The conversion project will be competitively bid and performed by contract personnel using fingerprint scanners acquired by the FBI in 1992. The FBI does not anticipate converting the existing master fingerprint cards for military and civilian personnel to images; however, military and civilian fingerprints received after the start-up of full IAFIS operations will be added to the image database on a "day-one" basis.

2. **Felon Identification in Firearms Sales (FIRS) System: \$3,400,000**

The Anti-Drug Abuse Act of 1988 mandated the Attorney General to develop and report to Congress on a system for the "immediate and accurate" identification of felons who attempt to purchase firearms. The Attorney General subsequently submitted a report to Congress in November 1989. Congress has been examining a variety of proposals and issues involving automated criminal record checks of individuals purchasing firearms, from point of sale to waiting periods. Implementation of a system to identify felons purchasing firearms would substantially increase the workload of the Fingerprint Identification Program. Approximately 6,000,000 new and used firearms are sold annually by licensed

firearms dealers throughout the United States. Assuming that a name check would be conducted prior to every purchase, the number of inquiries into the Interstate Identification Index would increase approximately 33 percent over the 1991 level of 17,993,000 inquiries. Additionally, up to 600,000 fingerprint cards from applicants rejected during the initial inquiry would be submitted to the FBI for further checking. This represents an additional 3,000 fingerprint cards per day, an increase of nearly 10 percent over the current level.

Regardless of the approach finally selected, any system will require complete and accurate criminal record histories to be timely, effective, and fair to law-abiding citizens. To improve the accuracy and completeness of the FBI's database of criminal arrest records, the Administration requested and Congress provided 487 positions to eliminate the existing backlog of fingerprint cards and disposition records and to convert manual records to an automated form. While the elimination of these backlogs and conversion of manual records will bring the database up-to-date, further work must be performed to identify or flag the records of those individuals whose past convictions preclude them from purchasing a firearm. Using 1993 funds, a pilot project with the Virginia State Police (VSP) is being conducted as the preliminary step in defining the requirements of a national felon in firearms sales system. The pilot project involves an enhanced computer interface between the VSP and the FBI to identify which Virginia criminal records contain at least one felony conviction.

To design and prototype a system for identifying by fingerprint possible felon purchases of firearms, \$2,500,000 is requested in 1993. This funding would be used to acquire additional input/output subsystem hardware and upgrade the mainframe computer of the Interstate Identification Index to accommodate the additional workload associated with the projected level of name checks and fingerprint cards. An additional \$900,000 is requested to acquire the services of contract systems programmers to perform technical systems programming support to develop and implement the complex software to support this critical initiative. Preliminary studies indicate that the FIPS system could interface with the IDAS and, where appropriate, point to potential felony convictions of would-be firearms purchasers. Under this concept, the Interstate Identification Index would be used extensively to point to state records and FBI records of potential felony conviction data. The FIPS system would also be designed to permit integration with the IAFIS environment.

| | 1992 AS Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | |
|--|-----------------|------|-----------|------|---------------|----------|-------------------|------|----------|-----|-----|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | | | |
| Criminal Justice Data and Statistics Services... | 183 | 178 | \$10,546 | 183 | 178 | \$11,382 | 183 | 178 | \$11,382 | ... | ... |

Long-Range Goal: To generate reliable statistics for use in law enforcement administration, operation, and management and to improve the overall effectiveness of the criminal justice system through effective handling and exchange of documented criminal justice information.

Major Objectives:

To continue implementation of the National Incident-Based Reporting System (NIBRS), the Uniform Federal Crime Reporting Act, and the Hate Crime Statistics Act for the Uniform Crime Reporting (UCR) Program.

To collect, record, analyze, publish, and report detailed and comprehensive data contained in the "Crime in the United States" and "Law Enforcement Officers Killed and Assaulted" publications; to collect, compile, tabulate and publish data about crimes in compliance with the "Hate Crime Statistics Act," to collect, compile, and tabulate information concerning the crime of arson and develop a special arson publication; and to collect, compile, tabulate, and publish statistical reports in compliance with the "Uniform Federal Crime Reporting Act of 1988."

To provide training, technical consultation, and assistance to Federal, state, and local law enforcement officials for developing and maintaining accurate UCR data; to improve management and operational strategies; and to compile UCR crime statistics on a monthly, semiannual, and annual basis for criminal justice reports and analysis.

To provide statistical crime analysis and research in response to requests from academicians, the legal profession, Members of Congress, law enforcement officials, and the public.

To meet the needs of National Crime Information Center (NCIC) user agencies and requirements of the criminal justice community by continuing development of the NCIC 2000 system in the areas of site preparation, software development, network/telecommunications, and hardware acquisition.

To provide for the storage and dissemination of images and documented information concerning wanted and missing persons, stolen property, and criminal histories through the operation of the NCIC telecommunications system.

To promote compliance by NCIC State Control Terminal Agencies and Federal Service Coordinators with NCIC policies, procedures, and data quality standards mandated by the NCIC Advisory Policy Board through biennial audits.

To ensure continuation of a user-oriented management process by coordinating meetings, developing candidate courses of action, and facilitating informational input from the NCIC Advisory Policy Board and Regional Working Groups.

Base Program Description: The Criminal Justice Data and Statistics Services Program supports two major law enforcement information services: the management and operation of the NCIC telecommunications system and the UCR program.

The FBI directly administers the collection and processing of crime data from contributors to ensure an accurate, comprehensive, and nationwide compilation of crime-related statistics for use by all levels of government in formulating productive programs to reduce lawlessness in our society. UCR is unique in that it is the only Federal program which collects offense, arrest, clearance, and police employee data from a national network of approximately 16,000 law enforcement agencies representing 96 percent of the U.S. population. One of the FBI's first established support systems

for law enforcement, the UCR Program has been maintained by the FBI for more than 61 years due to the need for a national repository, analysis, and a training base for crime statistics. The UCR Program, initiated by law enforcement, and voluntarily supported by law enforcement, is an important link between Federal, State, county, and city agencies.

The FBI and the UCR community are continuing the transition from a summary reporting format to an incident-based system. This system, NIBRS, will benefit not only law enforcement but the FBI and ultimately the United States taxpayer. NIBRS will be able to provide FBI field divisions with detailed crime data relating to their jurisdictions, especially in the area of drugs. While presently not enough information is collected to develop proactive approaches, the new Program will capture specific information on drug type, quantity, and measurement and on drug-related criminal activity. The FBI's policy for improved national crime data will also be supported. Additionally, information will be available for the first time nationally about victims of crime, such as the elderly and children.

Thirty-six states have made a commitment to NIBRS and are developing systems to start incident-based reporting. Three volumes regarding implementation and data specifications have been published and disseminated to law enforcement contributors. Law enforcement is now sending incident-based data to the FBI. It is anticipated that the remaining 14 states will report in summary fashion for varying years. Thus, a dual UCR system must be run into the 1990s--the redesigned, incident-based system and the traditional summary system.

The "Uniform Federal Crime Reporting Act of 1988" has mandated that all departments and agencies within the Federal government which routinely investigate complaints of criminal activity report details about the crime within their respective jurisdictions to the FBI's Uniform Crime Reporting Program. A testing phase was initiated in 1990 with the Department of Interior law enforcement entities as an effort to develop the modified program model for the Federal NIBRS. The test phase is projected to be completed by summer of 1992. It is anticipated that Federal agencies involved with investigating violations of criminal law will begin submitting NIBRS data via computer tape to the FBI during the latter part of 1992 or early 1993.

The Hate Crime Statistics Act of 1990 requires the FBI to collect, compile, and tabulate data from law enforcement about crimes that manifest evidence of prejudice based on race, religion, sexual orientation or ethnicity and to publish this information.

The NCIC is a nationwide information computer-based system supporting 62,000 components of criminal justice agencies - local, State and Federal. The system consists of a host computer and a supporting telecommunications network which provide access to 12 computerized information bases. NCIC databases are maintained on wanted and missing persons, foreign fugitives, unidentified persons, originating agency identifiers, persons posing a serious threat to U.S. Secret Service Protection, and stolen property (articles, boats, guns, license plates, securities and vehicles). Criminal histories are also accessed through a subsystem known as the Interstate Identification Index. Over 23 million records are accessible through NCIC. NCIC average daily transaction volume reached a high of 1,004,400 in November 1991.

The NCIC 2000 Initiative will update the NCIC System in all aspects and enable it to meet mission requirements into the

beginning of the next century. The goal of this initiative is to improve support of NCIC users through the purchase of hardware, software, and services required to implement the new NCIC 2000 System. The FBI has developed a Request for Proposals for NCIC 2000 and released it to the vendor community. Responses are due to the FBI on 1/31/92. An evaluation period will follow with a contract award expected in late September. NCIC 2000 was subjected to a General Accounting Office risk assessment which resulted in a very favorable report.

Funding totaling \$17 million was provided in the 1991 Appropriation of the Office of Justice Programs - Justice Assistance to begin upgrading NCIC to NCIC 2000. The President's 1992 Budget proposed funding for full implementation of the NCIC 2000 project from Office of Justice Programs - Justice Assistance, State and Local Law Enforcement grants, earmarking \$22 million for NCIC 2000. In 1993, \$22 million would be required, followed by \$12 million in 1994.

Workload and Accomplishments: Workload and accomplishments for the Criminal Justice Data and Statistics Services Program are presented in the chart below:

| Item | Estimates | | |
|--|-------------|-------------|--------------|
| | 1990 | 1991 | 1992 |
| NCIC transactions | 363,634,942 | 402,427,623 | 440,000,000 |
| Stolen vehicles entered | 1,511,740 | 1,541,131 | 1,647,000 |
| Stolen vehicles cleared | 1,305,346 | 1,339,561 | 1,406,000 |
| Training sessions conducted | 65 | 6* | 10* |
| Audits conducted | 28 | 28 | 28 |
| Monthly UCR Statistical Reports Received and Processed | 1,643,500 | 6,000,000 | 50,000,000** |
| Travel Requests Monored | 165 | 170 | 170 |

* Decrease in number of training sessions due to reductions in funded personnel in 1990 and 1991.

** In 1993, reporting procedures change from a summary reporting format to incident-based system.

Travel Requests for Training and Development Speeches, Meetings, and Police Schools

165 175 260*

* Increase due to implementation of Hate Crime Statistics data collection and NIBRS by the states.

Three states have passed all phases of testing and are submitting NIBRS data. An additional 12 are expected to be approved for participation by the end of 1992. Twenty-one additional states are in varying degrees of implementing NIBRS. Three Federal agencies are testing NIBRS submissions and approximately 30 additional Federal entities are in the process of implementing.

During 1991, the FBI conducted Hate Crime training for representatives of all 50 states. These representatives are

responsible for conducting law enforcement training throughout their respective states. In addition, through nine regional training seminars, Hate Crime training was provided to the 315 law enforcement agencies covering populations of 100,000 or more. These agencies represent approximately 77 percent of the Nation's population. Reporting of hate-related crime commenced on January 1, 1991. Data Publication Plans are being made for 1992. A resource Publication consolidating hate crime data from 12 states already collecting hate crime data over varying lengths of time will be published in early 1992. Topical reports based on first-year national hate crime collection will begin being published in September 1992.

A study and analysis of the felonious killings of 50 law enforcement officers has been completed and publication plans were made final in 1991. The objective was to identify elements in certain situations which led to the ultimate felonious deaths of the law enforcement officers. Representative cases reflecting the victim officers' department size, the geographic area of the country, and type of work assignment were selected. UCR personnel traveled to each victim's police agency where investigative reports and personnel files were reviewed. Interviews were conducted with victims' co-workers and superiors. Prior to interviewing, the 50 convicted killers pre-sentence reports, probation reports, and prison files were reviewed. The conclusions and resulting safety training issues have been presented to law enforcement. Law enforcement response has been extremely positive. Departments have notified UCR of training changes made as a result of this information, and one sheriff credited this study with the saving of the life of one of his deputies.

Developed a Request for Proposals for NCIC 2000 and released it to the vendor community.

Subjected NCIC 2000 to a General Accounting Office risk assessment which resulted in a very favorable report.

Implemented the Bureau of Alcohol, Tobacco and Firearms violent felon file. As part of the Department of Justice initiative on violent crime, the Violent Felon file has been added to NCIC. This file will contain the names and physical descriptions of 500 thrice-convicted violent felons who, if found in possession of a firearm, can be charged with a violation of Title 18, United States Code, Section 924, and sentenced to a minimum mandatory prison term of 15 years.

Federal Bureau of Investigation

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

| Activity: Program Direction | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---|-----------------|--------------|-----------|--------------|---------------|--------------|-------------------|-----------|
| | Pos. | MY Amount | Pos. | MY Amount | Pos. | MY Amount | Pos. | MY Amount |
| Executive Direction and Control..... | 500 | 481 \$31,811 | 500 | 481 \$33,636 | 500 | 481 \$33,636 | ... | ... |
| Administrative Services..... | 871 | 854 37,793 | 871 | 854 41,637 | 871 | 854 41,637 | ... | ... |
| Total..... | 1,371 | 1,335 69,604 | 1,371 | 1,335 75,273 | 1,371 | 1,335 75,273 | ... | ... |

This activity includes the management, administrative support, legal, planning, evaluation, inspection, and financial functions of the FBI.

| Executive Direction and Control.. | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|-----------------|--------------|-----------|--------------|---------------|--------------|-------------------|-----------|
| | Pos. | MY Amount | Pos. | MY Amount | Pos. | MY Amount | Pos. | MY Amount |
| | 500 | 481 \$31,811 | 500 | 481 \$33,636 | 500 | 481 \$33,636 | ... | ... |

Long-Range Goal: To provide effective leadership, management, direction, and control for the Federal Bureau of Investigation.

Major Objectives:

To provide leadership for the FBI in support of the organization's long-range goal through the promotion of high morale and efficient commitment of personnel and nonpersonnel resources.

To provide legal instruction and accurate and timely legal advice to the FBI and its employees concerning investigative and administrative operations and to coordinate the litigation of civil suits and administrative claims which arise from investigative and administrative operations.

To effectively advocate the FBI's positions with respect to legislative proposals or other matters with the Department of Justice, Office of Management and Budget, and the Congress; effectively represent the interest of the FBI with respect to responses to Congressional inquiries and oversight responsibilities; and competently advise the Director on matters relating to Congress.

To provide an effective Equal Employment Opportunity (EEO) counseling process that promotes confidence among employees in the EEO process; process and investigate on an objective and timely basis any complaints of discrimination; and effectively monitor employment and personnel practices in the FBI to discern any patterns of discrimination or disparate impact on any group of employees.

To investigate allegations of serious misconduct or criminality made against FBI employees and monitor disciplinary action taken against FBI employees to ensure discipline is meted out evenly.

To perform inspections of approximately 38 entities to include field offices, Legal Attache offices, and FBI Headquarters divisions.

To perform financial and compliance audits at 25 FBI field offices and conduct audits of eight FBI Headquarters funds and systems.

To conduct an independent, limited compliance review of the FBI's efforts to implement the Federal Managers' Financial Integrity Act of 1982 and its internal control procedures and documentation.

To obtain public cooperation and support in the FBI's investigative areas; increase the public's awareness of FBI activities and accomplishments through news releases, feature articles, interviews, speeches, publications, radio and television appearances, and announcements; and reduce the demand for illegal drugs through prevention and education.

To capture statistical information from all field offices and generate approximately 335 reports used by field office and Headquarters management to analyze personnel, accomplishments, and workload data; perform 10 Management Studies to identify opportunities for improving the efficiency and effectiveness of FBI operations; and evaluate the use of personnel and nonpersonnel resources.

To develop a core of FBI personnel capable of training other FBI personnel to act as facilitators of the quality process; conduct 60 facilitations in quality awareness, structured problem-solving, and quality management skills to personnel throughout the organization.

Base Program Description: The Director, with the advice and counsel of the FBI's Deputy Director, Associate Deputy Directors, and members of the Executive Conference, sets policy and provides leadership and direction to the organization. The Associate Deputy Directors, with the assistance of their respective staffs, provide policy statements, guidelines, and other managerial information to the Assistant Directors, who direct the daily operations of

the Headquarters divisions.

Components supporting the functions of the Director, Deputy Director, and the remainder of FBI executive management include the following areas: the Budget Program, which provides overall direction and control in all phases of budget and accounting functions in addition to conducting management studies and providing instruction on Total Quality Management; the Congressional Affairs Office, which seeks to effectively advocate the FBI positions with respect to legislative proposals or other matters before the Congress and to competently advise the Director; the Office of Equal Employment Opportunity Affairs, which promotes program management, guidance, and review for the FBI's Affirmative Action Program and the EEO complaint processing system; and the Public Affairs Program, which is responsible for providing the American public with factual information concerning the FBI's programs, operations, and services and for managing the Drug Demand Reduction Program.

Also included are the General Legal and Civil Litigation Programs which provide legal advice and guidance to FBI management and personnel concerning all aspects of FBI operations and administrative matters, provide legal training to FBI, Drug Enforcement Administration, and State and local personnel, and coordinate the defense of lawsuits and administrative claims resulting from investigative and administrative actions. The Internal Inspections Program conducts periodic, in-depth examinations of the FBI's investigative and administrative operations to determine if they are in compliance with governing laws, rules, regulations, and policy and investigates and/or supervises the investigation of all allegations of criminality and serious misconduct on the part of FBI employees. Additionally, the Program Evaluations and Audits Program conducts evaluations/studies to improve the efficiency and effectiveness of FBI programs, conducts audits of funds, property, and other assets utilized by FBI organizational entities, and coordinates and monitors all aspects of the FBI long-range planning and strategic planning efforts.

Accomplishments and Workload: Workload generated within the Executive Direction and Control Program is set forth as follows:

| Item | Estimate | | |
|--|----------|-------|-------|
| | 1990 | 1991 | 1992 |
| Office of Inspections: | | | |
| Inspections | 33 | 35 | 38 |
| Administrative Inquiries | 10 | 8 | 12 |
| Instructions/Recommendations Issued | 843 | 934 | 1,200 |
| Office of Professional Responsibility: | | | |
| Investigations Opened | 536 | 553 | 630 |
| (Personally Handled by OPR) | (111) | (106) | (189) |
| | | | 662 |
| | | | (198) |

| Item | Estimated | |
|--|-----------|-----------|
| | 1991 | 1992 |
| Investigations Closed | | |
| Presidents Intelligence Oversight Board Matters | 449 | 547 |
| Opened | 31 | 19 |
| Closed | 40 | 46 |
| Office of Planning, Evaluation, and Audits: | | |
| Evaluations/Studies Opened | 19 | 22 |
| Evaluations/Studies Completed | 17 | 22 |
| Audits Opened | 70 | 71 |
| Audits Completed | 57 | 54 |
| Office of EEO Affairs: | | |
| Cases Opened * | 51 | 72 |
| Cases Closed ** | 40 | 36 |
| Investigations Completed | 20 | 36 |
| Civil Litigation Program: | | |
| Civil Actions | 186 | 157 |
| FOIPA-EPF Actions | 50 | 81 |
| Appeals | 5 | 10 |
| Administrative Claims | 597 | 656 |
| * The number of employees willing to challenge the FBI in EEO matters is increasing. | | |
| ** An EEO complaint may be opened and closed and not necessitate an investigation. | | |
| Civil Discovery Program: | | |
| Civil and Criminal Discovery Requests Handled | 58 | 122 |
| Pages Reviewed | 1,672,969 | 1,262,746 |
| Pages Processed | 418,242 | 554,089 |
| Pages Released | 139,928 | 103,773 |
| Office of Public Affairs: | | |
| Press Releases and Statements | 59 | 114 |
| Special Projects | 45 | 88 |
| Correspondence Researched and Dictated | 6,667 | 8,650 |
| FBI Publications Disseminated | 135,289 | 138,772 |

| Item | Estimates | |
|--|-----------|---------|
| | 1992 | 1993 |
| Tourists | | |
| TV Publicity (FBI Fugitives) | 467,956 | 467,956 |
| Speeches by the Director and other Executives | 200 | 200 |
| | 113 | 113 |
| General Legal Program: | | |
| Civil Actions (Personnel Related) | 10 | 20 |
| EO/MSPA Actions | 29 | 45 |
| ALJ Priority Research Projects | 176 | 240 |
| Undercover Proposal | 266 | 272 |
| Forfeiture Recommendations Reviewed * | 2,075 | 2,743 |
| Forfeiture Petitions Reviewed | 377 | 477 |
| Forfeiture Training Seminars | 52 | 54 |
| Requests for Forfeiture Advice | 920 | 1,058 |
| Instructional Hours Taught | 4,300 | 4,300 |
| Congressional Affairs: | | |
| Testimony | 13 | 30 |
| Committee Requests | 75 | 75 |
| Legislation ** | 360 | 1,000 |
| Constituent Requests *** | 4,250 | 4,250 |
| * Estimates are based on the overall rate of growth experienced from 1988 through 1990 and new laws expanding the monetary limit for administrative forfeitures. | | |
| ** Workload fluctuations reflect Congress' biannual schedule. | | |
| *** Reflects telephonic and written requests. | | |
| Budget Program: | | |
| Budget Formulation & Presentation Budget Submissions | 150 | 150 |
| Analysis and Reporting: | | |
| Total Quality | | |
| Assessments Performed | 1 | 5 |
| Implementation Plans Written | 1 | 5 |
| Quality Curriculum Developed | 7 | 22 |

| Item | Estimates | |
|-------------------------------------|-----------|------|
| | 1991 | 1992 |
| Quality Process Facilitations | 50 | 50 |
| Improvement Projects | 7 | 12 |
| Special Projects/Analyses | 15 | 29 |
| Field Statistics Generated | | 36 |
| Time Utilization and Record Keeping | | |
| Reports (TURK) * | 150 | 201 |
| Accomplishment Reports | 169 | 173 |

* TURK reports requested by the Inspection Division will be discontinued in 1993 because the information will be accessed from the administrative time capture system and four reports requested by the General Accounting Office will be discontinued.

The Office of Professional Responsibility (OPR) initiated an extensive computer modernization program to enhance efficiency in data input, retrieval, and statistical reporting of OPR data. As a corollary of this modernization process, OPR computerized its Polygraph Program reporting. Additionally, a new case management system has been implemented which requires each OPR supervisor to maintain computerized records of oral or written instructions to field offices so that OPR management can access each case for summary and status information. A completely automated file review system is also being implemented. The OPR also initiated participation in the Ethics Curriculum of new agent trainees as well as presentations to Supervisors In-services, Executive Development Institute-II, and other appropriate forums.

The Office of ZEO Affairs modified the ZEO Counselor Program to improve the effectiveness of ZEO counseling and improve confidence among employees; cleared a backlog of ZEO complaints; developed, formalized, and documented complaint processing procedures; published the "ZEO News," a newsletter geared at enlightening all FBI employees; established advisory groups of FBI employees for the Special Emphasis programs to discern important employee concerns and issues at an early stage; assigned a training officer to develop improved ZEO training initiatives; established policies and improved procedures affecting hearing-impaired employees; conducted an employee survey and appointed an employee committee to study the results and make recommendations.

| 1992 as Enacted | 1992 Base | | 1991 Estimate | | Increase/Decrease | |
|------------------------------|-----------|----------|---------------|----------|-------------------|-----|
| | Per. | NY | Per. | NY | Per. | NY |
| Administrative Services..... | 871 | \$37,793 | 871 | \$41,637 | ... | ... |

Long Range Goal: To provide a complete range of administrative services to maintain the FBI as a functional entity; and to establish, maintain, and enhance liaison with United States and friendly foreign police and other agencies.

Major Objectives:

To provide a range of personnel related services such as employee safety, health, and assistance programs, human resource planning, bi-weekly payroll, evaluation, discipline, and performance recognition programs, and relocation services for transferred employees.

To provide FBI management with enhanced financial management capabilities for effective decision making and enhanced internal controls, and to maintain and prepare all required financial data reports related to budget execution in a timely manner in compliance with Federal laws, rules, and regulations.

To provide a range of general administrative services such as printing, warehousing, supply, disintegration of confidential and non-confidential trash, travel services, contracting, maintenance of the JHM FBI Building and related facilities, and coordination and supervision of space provided by the General Services Administration.

To increase the number and value of assets seized for forfeiture, reduce the time necessary for the processing of administrative forfeiture actions, and expedite the sharing of Federally forfeited property to participating State and local police agencies.

To improve the level of cooperation among foreign, Federal, State, and local agencies having concurrent or complementary jurisdiction; and to expand liaison, both domestically and internationally, with Federal, State, and local law enforcement agencies and members of the intelligence community to support increasing investigative responsibilities of the FBI.

Base Program Description: This program encompasses the major program areas of Personnel Services and General Services Support.

The Personnel Services Program is responsible for the administration, coordination, and policy formulation of pay administration, retirement, leave, safety, and disciplinary action; employee performance, recognition, indoctrination and initial training; applicant recruitment; employee transfer matters; compiling and reporting personnel statistical data and administration of the performance appraisal and merit pay systems and the Employee Assistance Program.

The General Services Support Program is responsible for procuring and processing property seized for forfeiture purposes. The program also provides support service functions relating to printing, warehousing, security, safety, supplies, and space requirements. The voucher/payroll portion of the systems support staff prepares the FBI's payroll and distributes statements of earnings, salary and expense checks, leave accounting and savings bonds. The financial management system staff provides overall direction and control in all phases of accounting functions. The General Services Support Program is also responsible for relocation and travel matters involving FBI personnel and administering the newly implemented Third Party Draft system and financial transactions relative to field support accounts, imprest funds, and undercover operations.

The Office of Liaison and International Affairs is responsible for effecting, maintaining, and enhancing liaison with United States and friendly foreign police and intelligence agencies in support of FBI Headquarters and field offices in their management of the FBI's investigative responsibilities. Liaison and cooperation with foreign police and intelligence services are facilitated by the FBI's Legal Attaches. The Legal Attache's mission is to establish and maintain close personal liaison with all principal law enforcement and intelligence/security services throughout designated foreign countries thereby providing the means by which FBI responsibilities in the applicant, white-collar crime, violent crimes, organized crime, international counterterrorism, and foreign counterintelligence fields are met efficiently, effectively, and expeditiously. The Legal Attache Program provides for the prompt and continuous exchange of information and assistance to foreign law enforcement and other agencies. By way of reciprocation the FBI assists cooperative foreign agencies with their legitimate and lawful interests in the United States.

Accomplishments and Workload: Workload generated by the Administrative Services Program is as follows:

| Item | 1990 | 1991 | 1992 | Estimates | 1992 |
|--|-----------|-----------|-----------|-----------|-----------|
| Administrative Inquiries | | | | | |
| Agent/Support | 1,303 | 1,366 | 1,460 | | 1,488 |
| Staffing Action | (548/755) | (573/793) | (614/846) | | (625/863) |
| Position Classification Actions | 7,432 | 7,945 | 9,000 | | 12,000 |
| Pay Actions | 3,188 | 4,381 | 5,476 | | 5,976 |
| Agent and Support Transfers | 43,167 | 66,307 | 71,000 | | 76,000 |
| Transfer Matters | 1,360 | 1,722 | 1,900 | | 2,200 |
| Relocation Matters | 1,110 | 2,550 | 3,686 | | 4,850 |
| Appraisal, Awards, & Performance | 5,606 | 7,786 | 8,175 | | 8,584 |
| Recognition Matters | | | | | |
| Travel/Transportation Requests Processed | 60,333 | 72,671 | 77,671 | | 89,341 |
| Airline Tickets Issued | 32,853 | 20,722 | 21,758 | | 22,846 |
| GETA Training Requests | 19,655 | 19,279 | 20,243 | | 21,255 |
| Federal Health and Life Insurance | 8,209 | 7,661 | 8,000 | | 8,000 |
| Retirement Counseling Sessions | 27,045 | 25,998 | 27,000 | | 27,000 |
| Retirement Applications Processed | 6,524 | 6,324 | 7,000 | | 7,000 |
| Thrift Savings Plan Forms | 261 | 191 | 200 | | 250 |
| Physical Examination Matters | 3,580 | 6,521 | 7,000 | | 8,000 |
| Employee Assistance Program Matters | 10,872 | 10,919 | 12,715 | | 12,830 |
| Drug Deterrance Program Matters | 2,009 | 995 | 1,077 | | 1,139 |
| | 8,051 | 8,250 | 9,650 | | 10,200 |

| Item | Estimates | |
|---|-----------|---------|
| | 1991 | 1992 |
| Office of Liaison & International Affairs: | | |
| Foreign Visitors to FBI Headquarters | 1,117 * | 1,300 |
| Foreign Executive Exchange Program | 12 | 12 |
| Interpol/Foreign Police Cooperation Matters | 2,355 | 2,449 |
| Domestic Agency Liaison Points of Contact | 303 | 318 |
| Foreign Agency Liaison Points of Contact | 58 | 62 |
| Passports | 516 | 561 |
| Visas | 241 | 251 |
| Forfeiture Program (\$ in millions): | | |
| Seizures: | | |
| Number | 5,652 | 5,800 |
| Value | \$393.4 | \$450.1 |
| Forfeitures: | | |
| Number | 3,155 | 4,938 |
| Value | \$16 | \$254.0 |

* As a result of Operation Desert Storm, the Foreign Executive Exchange Program was suspended for part of 1991 and foreign visitors to FBI Headquarters declined.

As of December 31, 1991, the FBI had property valued at over \$1,000,000,000 pending forfeiture. Significant accomplishments included one White-Collar Crime investigation which resulted in forfeiture of over \$100,000,000. The identification, seizure, and forfeiture of property as well as the sharing of federally forfeited property increased. In addition, the FBI continued to modify its automated forfeiture related tracking system so that every phase of the forfeiture process can be monitored and evaluated by management.

Federal Bureau of Investigation
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Crim., Sec., and Other Invest. | | Investigative Support | | Technical Field | |
|---|-----------------------------------|---------|--|--------|-----------------|---|
| | Pos. | Amount | Automated Data Processing and Telecommunications | Pos. | Amount | Support and Equipment (Increases) |
| Grades | | | | | | |
| GS/GN-14..... | ... | ... | ... | ... | ... | 8453 |
| GS/GN-13..... | 136 | \$6,517 | ... | ... | ... | ... |
| GS-12..... | ... | ... | ... | ... | ... | 14 |
| GS-11..... | ... | ... | ... | ... | ... | 564 |
| GS-9..... | ... | ... | ... | ... | ... | ... |
| GS-7..... | ... | ... | ... | ... | ... | 26 |
| GS-5..... | 89 | 1,632 | ... | ... | ... | ... |
| Federal Pay Reform Costs..... | ... | 439 | ... | ... | ... | ... |
| Total positions and annual rates..... | 225 | 8,588 | ... | 23 | 1,076 | ... |
| Lapse (-)..... | -169 | -6,441 | ... | -17 | -807 | ... |
| Total workyears and personnel compensation..... | 56 | 2,147 | ... | 6 | 269 | ... |
| Other personnel compensation..... | 8 | 444 | ... | 1 | 31 | ... |
| Personnel benefits..... | ... | 1,434 | ... | ... | 134 | ... |
| Travel and transportation of persons..... | ... | 217 | ... | ... | 22 | ... |
| Transportation of things..... | ... | 692 | ... | ... | 40 | ... |
| GSA rent..... | ... | 276 | ... | ... | 28 | ... |
| Rental payment to others..... | ... | ... | ... | ... | ... | ... |
| Communications, utilities, and miscellaneous charges..... | ... | 389 | ... | ... | ... | 40 |
| Printing and reproduction..... | ... | 4 | ... | ... | ... | 1 |
| Other services..... | ... | 2,718 | ... | ... | 12,944 | ... |
| Supplies and materials..... | ... | 120 | ... | ... | ... | ... |
| Equipment..... | ... | 9,713 | ... | ... | ... | ... |
| Lands and structures..... | ... | ... | ... | ... | ... | ... |
| Total program workyears and obligations changes requested, 1991..... | 64 | 14,154 | ... | -6,324 | 7 | 17,704 |

Federal Bureau of Investigation
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Invest. Support | | State and Local | | Total | |
|--|-----------------|--------|-----------------|---------|-------|---------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | |
| GS/GM-14..... | ... | ... | ... | ... | 8 | \$453 |
| GS/GM-13..... | ... | ... | ... | ... | 198 | 9,488 |
| GS-12..... | ... | ... | ... | ... | 14 | 564 |
| GS-11..... | ... | ... | ... | ... | ... | ... |
| GS-9..... | ... | ... | ... | ... | 16 | 445 |
| GS-7..... | ... | ... | ... | ... | ... | ... |
| GS-5..... | ... | ... | ... | ... | 124 | 2,274 |
| Federal Pay Reform Costs..... | ... | ... | ... | ... | ... | 655 |
| Total positions and annual rates..... | ... | ... | ... | ... | 360 | 13,897 |
| Lapse (-)..... | ... | ... | ... | ... | -269 | -10,424 |
| Total workyears and personnel compensation..... | ... | ... | ... | ... | 91 | 3,473 |
| Other personnel compensation..... | ... | ... | ... | ... | 12 | 678 |
| Personnel benefits..... | ... | ... | ... | ... | ... | 2,249 |
| Travel and transportation of persons..... | ... | ... | ... | ... | ... | 434 |
| Transportation of things..... | ... | ... | ... | ... | ... | 1,048 |
| GSA rent..... | ... | ... | ... | ... | ... | 442 |
| Rental payment to others..... | ... | ... | ... | ... | ... | ... |
| Communications, utilities, and miscellaneous charges..... | ... | ... | ... | ... | ... | 622 |
| Printing and reproduction..... | ... | ... | ... | ... | ... | 8 |
| Other services..... | ... | ... | ... | 900 | ... | 17,855 |
| Supplies and materials..... | ... | ... | ... | ... | ... | 182 |
| Equipment..... | ... | -6,325 | ... | 102,500 | ... | 102,430 |
| Lands and structures..... | ... | ... | ... | ... | ... | 678 |
| Total program workyears and obligations changes requested, 1991..... | ... | -6,325 | ... | 103,400 | 103 | 130,099 |

Federal Bureau of Investigation
Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)

| Project | Budget Request or Appropriation | | Total Cost Estimate or Actual | Current Status - 1/92 Obligated to Date | Expected Completion Date |
|---|---|--------------------------------|--|---|----------------------------------|
| | Planning and Site Acquisition Fiscal Year | Construction Fiscal Year | | | |
| Expansion of Existing Facilities: | Amount | Amount | Total Funding | Stage of Program | |
| 1. Engineering Research Facility (ERF) | | | | | |
| - Pod A | ... | 1985 \$9,982 | \$9,982 | Completed | 10/89 |
| - Pod B | ... | 1990 15,000 | 15,000 | Completed | 10/91 |
| - Pods C/D | ... | 1991 10,000 | 10,000 | Under Construction | 8/92 |
| 2. National Crime Information Center (NCIC) 2000 | ... | 1991 \$5,000 | \$5,000 * | ... | 6/93 |
| | ... | 1992 5,000 | 5,000 * | ... | |
| | * Reimbursable funding provided from the Office of Justice Programs anti-drug abuse grants. | | | | |
| 3. FBI Academy Firearms Training Facility | 1993 \$1,800 | ... | \$1,800 | Unknown | Early planning Unknown stages |
| 4. FBI Academy Handicap Access to Dining Room | 1993 \$75 | 1993 \$880 | \$955 | ... | Funding request 10/94 |
| 5. FBI Academy Hogan's Alley Phase II | 1993 \$500 | 1993 \$3,250 | \$3,750 | Unknown | Early planning Unknown stages |
| 6a. Hostage Rescue Team Administration and Operations Center Expansion | 1993 \$80 | 1993 \$598 | \$678 | ... | Funding request 6/95 |
| 6b. Hostage Rescue Team Helicopter Pad | ... | 1992 100,000 | 100,000 | \$61,786 Under Construction | 3/92 |

Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)

| Project | Budget Request or Appropriation | | | Total Funding | Total Cost Estimate or Actual | Current Status - 1/92 Obligated to Date | Expected Completion Date |
|------------------------|--|----------|--------------------------------|------------------|--|--|--------------------------------|
| | Planning and Site Acquisition Fiscal Year | Amount | Construction Fiscal Year | | | | |
| New Facilities: | | | | | | | |
| 1. Identification | | | | | | | |
| Division Relocation | 1990 | \$19,811 | 1990 | \$191,189 | \$211,000 | Under Construction | 6/95 |
| | 1991 | ... | 1991 | ... | 7,415 * | | |
| | 1992 | ... | 1992 | ... | 9,000 * | | |
| | 1993 | ... | 1993 | ... | 9,585 * | | |

** Reimbursable funding from Special User Fee 1990 - 1993 only.

Federal Bureau of Investigation

Salaries and expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

The House Committee on Appropriations Report on the Department of Justice Appropriations, 1992 (House Report No. 102-106), required the FBI provide the cost impact of the design and development of the IAFIS prior to making a final decision on its design features and requirements. The FBI is examining the concerns of the Committee and the review process will be completed in a few weeks. It is anticipated this report will be submitted to the Committee by March 16, 1992.

Federal Bureau of Investigation

 Salaries and Expenses

 Priority Ranking

 Fiscal Year 1993

| Base Program | | Program Increase | |
|--|---------|---------------------------------------|---------|
| Program | Ranking | Program | Ranking |
| | | | |
| Executive Direction and Control | 1 | Fingerprint Identification | 1 |
| Administrative Services | 2 | Technical Field Support and Equipment | 2 |
| White-Collar Crime | 3 | Drugs | 3 |
| Drugs | 4 | White-Collar Crime | 4 |
| Other Field Programs | 5 | Other Field Programs | 5 |
| Organized Crime | 6 | Organized Crime | 6 |
| Records Management | 7 | | |
| Training | 8 | | |
| Technical Field Support and Equipment | 9 | | |
| Automated Data Processing and Telecommunications | 10 | | |
| Forensic Services - Federal | 11 | | |
| Fingerprint Identification | 12 | | |
| Forensic Services - Non-Federal | 13 | | |
| General Law Enforcement Training | 14 | | |
| Criminal Justice Data & Statistics Services | 15 | | |

Federal Bureau of Investigation

 Salaries and Expenses

 Detail of Permanent Positions by Category

 Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Authorized | Transfer to Defense Disc. | 1993 | |
|--|--------------------|--------------------|------------------------------|----------------------|--------|
| | | | | Program Increases | Total |
| Criminal Investigation (1811)... | 9,780 | 9,743 | -354 | 206 | 9,595 |
| Fingerprint Identification (072)... | 557 | 719 | 0 | 0 | 719 |
| General Admin. Clerical & Office Services (300-399)... | 7,697 | 8,059 | -197 | 114 | 7,976 |
| Professional/Technical | 3,809 | 3,942 | -27 | 40 | 3,955 |
| Total..... | 21,843 | 22,463 | (578) | 360 | 22,245 |
| Washington..... | 6,240 | 6,773 | -61 | 23 | 6,735 |
| U.S. Field..... | 15,514 | 15,601 | -517 | 337 | 15,421 |
| Foreign Field..... | 89 | 89 | | 0 | 89 |
| Total..... | 21,843 | 22,463 | (578) | 360 | 22,245 |

Federal Bureau of Investigation
Salaries and Expenses
Schedule of Motor Vehicles

| Method of Acquisition and Type of Vehicle | 1990 End-of- Year Inventory | 1991 | | | 1992 | | | 1993 | | |
|--|-----------------------------------|----------|----------|-------------|----------|----------|-------------|----------|--------------|----------|
| | | Acquired | Disposed | End-of-Year | Acquired | Disposed | End-of-Year | Acquired | Average Cost | Disposed |
| Direct Purchase: | | | | | | | | | | |
| Limousine | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | ... |
| Large sedan | 2,373 | 404 | 500 | 2,277 | 400 | 300 | 2,377 | 575 | ... | 525 |
| Midsize sedan | 4,278 | 958 | 720 | 4,516 | 827 | 690 | 4,653 | 1,016 | \$15,000 | 860 |
| Compact sedan | 472 | 77 | 50 | 499 | 250 | 200 | 549 | 500 | ... | 400 |
| Subcompact sedan | 44 | ... | 25 | 19 | ... | ... | 19 | 12 | ... | 20 |
| Station wagon | 65 | 13 | 5 | 73 | 20 | 10 | 83 | 30 | ... | 30 |
| Van | 327 | 115 | 100 | 342 | 70 | 50 | 382 | 150 | ... | 50 |
| Ambulance | 1 | ... | ... | 1 | ... | ... | 1 | ... | ... | ... |
| Special Purpose: 4 wheel drive | 289 | 196 | 45 | 440 | 100 | 40 | 500 | 180 | ... | 150 |
| Trucks | 167 | 14 | 35 | 166 | 44 | 20 | 170 | 100 | \$17,500 | 60 |
| Pickup | 31 | 14 | ... | 45 | 15 | 10 | 50 | ... | ... | ... |
| Other | | | | | | | | | | |
| Subtotal purchased | 8,048 | 1,791 | 1,480 | 8,359 | 1,726 | 1,300 | 8,785 | 2,543 | \$15,224 | 2,075 |
| | | | | | | | | | | 9,253 |

Federal Bureau of Investigation
Salaries and Expenses
Schedule of Motor Vehicles

| Method of Acquisition and Type of Vehicle | 1990 End-of- Year Inventory | | 1991 | | 1992 | | 1993 | | End-of-Year |
|--|-----------------------------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|---------------|
| | Acquired | Disposed | Acquired | Disposed | Acquired | Disposed | Average Cost | Disposed | |
| Leased: | | | | | | | | | |
| Large sedan | 70 | 25 | 65 | 20 | 65 | 15 | ... | 25 | 55 |
| Midsize sedan | 190 | 45 | 190 | 35 | 195 | 35 | ... | 45 | 185 |
| Compact sedan | 30 | 15 | 30 | 20 | 25 | 15 | ... | 25 | 15 |
| Station wagon | 10 | 5 | 5 | 5 | 5 | 5 | ... | 5 | 5 |
| Van | 40 | 10 | 35 | 25 | 30 | 20 | ... | 30 | 20 |
| Special Purpose 4 wheel drive | 20 | 15 | 25 | 25 | 20 | 15 | ... | 25 | 10 |
| Trucks | 20 | 15 | 20 | 20 | 15 | 10 | ... | 20 | 5 |
| Pickup | 5 | 5 | 5 | 5 | 5 | 5 | ... | 5 | 5 |
| Other | 5 | 5 | 5 | 5 | 5 | 5 | ... | 5 | 5 |
| Subtotal leased | 385 | 135 | 375 | 155 | 360 | 120 | ... | 180 | 300 |
| Seized or no cost excess: | | | | | | | | | |
| Limo/lime | 3 | ... | 3 | ... | 3 | ... | ... | ... | 3 |
| Large sedan | 138 | 27 | 147 | 25 | 167 | 50 | ... | 30 | 187 |
| Midsize sedan | 386 | 65 | 411 | 45 | 441 | 90 | ... | 40 | 511 |
| Compact sedan | 28 | 16 | 37 | 12 | 45 | 15 | ... | 10 | 50 |
| Subcompact sedan | 5 | 5 | 5 | 4 | 6 | 10 | ... | 5 | 11 |
| Small sedan | ... | 2 | 1 | 3 | 1 | 5 | ... | 5 | 1 |
| Station wagon | 5 | 8 | 10 | 7 | 13 | 5 | ... | 5 | 13 |
| Van | 80 | 15 | 82 | 15 | 92 | 20 | ... | 10 | 102 |
| Bus | 2 | ... | 2 | ... | 2 | ... | ... | ... | 2 |
| Special Purpose 4 wheel drive | 82 | 38 | 90 | 15 | 105 | 25 | ... | 15 | 115 |
| Trucks | 209 | 48 | 227 | 30 | 242 | 45 | ... | 30 | 257 |
| Pickup | 117 | 6 | 119 | 10 | 127 | 10 | ... | 5 | 132 |
| Other | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Subtotal seized | 1,055 | 264 | 1,154 | 145 | 1,264 | 275 | ... | 195 | 1,384 |
| Total Vehicles | 9,488 | 2,190 | 9,868 | 1,600 | 10,409 | 2,958 | ... | 2,410 | 10,937 |

Federal Bureau of Investigation
 Seizures and Forfeitures
 Schedule of Aircraft

| Meth. of Acquisition and Type of Aircraft | 1990 EOY Inventory | 1991 | | 1992 | | 1993 | |
|--|--------------------------|----------|------------|-------------------------|----------|-------------------------|-----------|
| | | Acquired | Disposed | End-of-Year Acquired | Disposed | End-of-Year Acquired | Disposed |
| Direct Purchase: | | | | | | | |
| Fixed Wing: | | | | | | | |
| Single engine | 57 | 3 | ... | 60 | 2 | ... | 62 |
| Two engine | 1 | ... | ... | 1 | ... | ... | 1 |
| Four engine | ... | ... | ... | ... | ... | ... | ... |
| Turbo prop | 2 | ... | ... | 2 | ... | ... | 2 |
| Jet engine | ... | ... | ... | ... | ... | ... | ... |
| Helicopter: | | | | | | | |
| Single engine | 2 | ... | ... | 2 | ... | ... | 2 |
| Multi engine | ... | ... | ... | ... | ... | ... | ... |
| Subtotal Purchased | 62 | 3 | ... | 65 | 2 | ... | 67 |
| Seized or no cost Assets: | | | | | | | |
| Fixed Wing: | | | | | | | |
| Single engine | 8 | ... | ... | 8 | 1 | ... | 9 |
| Two engine | 10 | ... | ... | 10 | ... | ... | 6 |
| Four engine | ... | ... | ... | ... | ... | ... | ... |
| Turbo prop | 5 | 2 | ... | 7 | 3 | ... | 10 |
| Jet engine | 1 | ... | ... | 1 | ... | ... | 1 |
| Helicopter: | | | | | | | |
| Single engine | 1 | ... | ... | 1 | ... | ... | 1 |
| Multi engine | ... | ... | ... | ... | ... | ... | ... |
| Subtotal Seized | 25 | 2 | ... | 27 | 4 | ... | 27 |
| Total Aircraft | 87 | 5 | ... | 92 | 6 | ... | 94 |

Federal Bureau of Investigation

Salaries and expenses
Summary of Change
(Dollars in thousands)

| | Perm. Pos. | Work Years | Amount |
|--|---------------|---------------|-------------|
| 1992 appropriation anticipated..... | 22,463 | 21,773 | \$1,924,092 |
| Adjustments to base: | | | |
| Advance appropriation from Assets Forfeiture Fund Capital Surplus..... | ... | ... | 23,020 |
| Transfer to defense discretionary category..... | -578 | -565 | -71,100 |
| Mandatory increases: | | | |
| 1992 pay annualization..... | ... | ... | 12,858 |
| 1993 payraise..... | ... | ... | 37,576 |
| Annualization of 1992 positions..... | ... | 308 | 12,948 |
| Federal Law Enforcement Pay Reform Act..... | ... | ... | 9,226 |
| General Pay Reform Act Annualization..... | ... | ... | 486 |
| Accident Compensation..... | ... | ... | 480 |
| Health Benefits..... | ... | ... | 4,253 |
| General Services Administration rent..... | ... | ... | 25,710 |
| GSA Buildings Delegation..... | ... | ... | 2,165 |
| Distributed administrative support..... | ... | ... | 118 |
| General pricing level adjustment..... | ... | ... | 3,409 |
| Telecommunications Services..... | ... | ... | 2,116 |
| Total, 1993 mandatory increases..... | ... | 308 | 112,743 |
| Decreases: | | | |
| One less compensable day..... | ... | ... | -4,888 |
| Unemployment Compensation - Redistribution..... | ... | ... | -127 |
| Nonrecurring costs for new 1992 positions..... | ... | ... | -5,136 |
| Nonrecurring decrease for IAFIS..... | ... | ... | -48,000 |
| Total, decreases..... | ... | ... | -58,151 |
| 1993 Base..... | 21,885 | 21,516 | 1,924,613 |
| Program changes: | | | |
| Criminal, Security, and Other Investigations..... | 337 | 85 | 21,644 |
| Investigative Support..... | 23 | 6 | 5,055 |
| State and Local Assistance..... | ... | ... | 103,400 |
| Program Direction..... | ... | ... | ... |
| Total, program changes..... | 360 | 91 | 130,099 |
| 1993 Estimate..... | 22,245 | 21,607 | 2,062,712 |

Federal Bureau of Investigation
Salaries and expenses
Justification of Adjustments to Base
(Dollars in thousands)

| | Pos | MY | Amount |
|--|------|------|----------|
| Adjustments to and from other accounts: | | | |
| 1. Advance Appropriation from Assets Forfeiture Fund Capital Surplus..... | ... | ... | \$23,030 |
| This request would transfer funds from the Assets Forfeiture Fund to the FBI for one-time expenditures for construction and equipment acquisitions. | | | |
| 2. Adjustment to Defense Discretionary Category..... | -578 | -565 | -71,100 |
| Beginning in 1993, a new appropriation account has been established for a special program of the FBI which supports national security. This adjustment provides the initial base level funding for the new appropriation account. | | | |
| Total, adjustments to and from other accounts..... | -578 | -565 | -48,070 |
| Mandatory Increases: | | | |
| 1. 1992 Pay Annualization..... | ... | ... | \$12,858 |
| This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1993 plus appropriate personnel benefits (\$10,106,000 pay and \$2,752,000 benefits). | | | |
| 2. 1993 Pay Raise..... | ... | ... | 37,576 |
| This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$37,576,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$29,542,000 pay and \$8,034,000 benefits = \$37,576,000). | | | |
| 3. Annualization of 660 additional positions approved in 1992..... | ... | 308 | 12,948 |
| This provides for the annualization of 660 additional positions approved by Congress for 1992 appropriation for Other Field Programs, White-Collar Crime, Drugs, Technical Field Support and Equipment, and Fingerprint Identification Programs. | | | |

| | Approved 1992 increases | Annualization Required | FY | Amount |
|--|----------------------------|---------------------------|-----|---------|
| Annual salary rate of 660 approved positions..... | | | | |
| Less lapse (46.7 percent)..... | \$ 17,463,316 | \$7,897,985 | ... | \$9,226 |
| Net compensation..... | 7,897,985 | ... | | |
| Associated employee benefits..... | 9,565,331 | 2,890,850 | | |
| Travel and transportation of persons..... | 3,452,301 | 125,976 | | |
| Transportation of things..... | 239,503 | ... | | |
| Rent, communications, and utilities..... | 284,044 | 1,587,925 | | |
| Printing and reproduction..... | 2,447,619 | 35,169 | | |
| Other services..... | 38,485 | 207,663 | | |
| Supplies and materials..... | 2,812,720 | 232,432 | | |
| Equipment..... | 268,098 | ... | | |
| Total costs subject to annualization..... | 5,231,632 | 12,946,000 | | |
| 4. Federal Law Enforcement Pay Reform Act of 1990..... | 25,230,000 | | ... | \$9,226 |
| The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic pay and benefits provisions, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes annualizations of costs for mandatory items in the Act for the final quarter of the year. | | | | |
| 5. General Pay Reform Act Annualization..... | | | ... | 486 |
| The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for consolidated metropolitan areas of San Francisco, Los Angeles, and New York. | | | | |

| | Pos | MY | Amount |
|--|-----|-----|--------|
| 6. Accident Compensation..... The increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$6,245,000 or \$480,000 over the 1992 base. | ... | ... | \$480 |
| 7. Health Benefits..... The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$4,353,000 provides funds for actual increased costs from pay period 1 to pay period 3 of 1991 projected for a full year. | ... | ... | 4,253 |
| 8. General Services Administration (GSA) Rent..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has allowed an overall 10.43 percent increase. The Department's increase in total equates to this increase, although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$25,710,000 provides for this actual increase over the expected 1992 billing level. | ... | ... | 25,710 |
| 9. GSA Buildings Delegation..... GSA delegated responsibility for maintaining the J. Edgar Hoover FBI Building to the Department in 1993. Requested resources will ensure that the building is safely and adequately maintained. An increase of \$2,165,000 is requested in 1993. | ... | ... | 2,165 |
| 10. Distributed Administrative Support..... Under the Foreign Affairs Administrative Support agreement an annual charge is made by the Department of State (DOS) for administrative support items. The amount of this charge is determined by DOS. DOS advises that a 10-percent increase in foreign operations costs is anticipated in 1993. The increase of \$116,000 is based on a 1992 base availability of \$1,160,000. | ... | ... | 116 |

For FY Amount

... .. \$3,809

11. General Pricing Level Adjustments.....
This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates.

... .. 3,116

12. Telecommunications Services.....
Over the last several years, expenses for various telecommunications services have increased significantly. This request provides funding for the anticipated increases in telecommunication services expenditures between 1992 and 1993. Funding is included to cover cost increases in basic telephone services, commercial long-distance telephone tolls, and GSA voice/data communications packages.

494

... .. 308 112,743

Total mandatory increases.....

Decreases (Automatic non-billable)

1. One Less Compensable Day.....
The annual salary rate for Federal employees is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). The request includes appropriate personnel benefits based on the organizations actual law enforcement and non-law enforcement rates. The decrease includes \$3,843,000 for pay and \$1,046,000 for benefits.

... .. -4,888

| | FOA | MY | Amount |
|---|------|------|------------|
| 2. Unemployment Compensation - Redistribution..... | ... | ... | - \$127 |
| This decrease reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on actual billings, a redistribution of the Department's base is necessary. The 1993 amount will be \$191,000, or \$127,000 under the 1992 base. | | | |
| 3. Nonrecurring Costs for 600 additional positions approved in 1992..... | ... | ... | - \$,136 |
| This decrease reflects the reduction of one-time funding or nonannually recurring expenditures associated with the personnel increases approved in the 1992 appropriation. This reduction includes the following: | | | |
| Nonrecurring Costs | | | |
| Personnel benefits..... | | | \$86,855 |
| Travel and transportation of persons..... | | | 36,344 |
| Transportation of things..... | | | 194,656 |
| Other services..... | | | 439,317 |
| Equipment..... | | | 4,381,128 |
| Total, nonrecurring costs..... | | | \$,136,000 |
| 4. Nonrecurring Costs for 1992 Integrated, Automated Fingerprint Identification System (IAFIS).... | ... | ... | - 48,000 |
| This decrease reflects the reduction of the 1992 enhancement for IAFIS development. | | | |
| Total decreases..... | -578 | -257 | -58,151 |
| Total, adjustments to base..... | -578 | -257 | 6,522 |

**Federal Bureau of Investigation
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

| | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|----------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and Salary Ranges | | | | | | | | |
| Executive Level II, \$129,500..... | 13 | | 13 | | 13 | | ... | |
| ES-6, \$112,100..... | 22 | | 22 | | 22 | | ... | |
| ES-5, \$108,300..... | 84 | | 84 | | 84 | | ... | |
| ES-4, \$104,000..... | 34 | | 34 | | 34 | | ... | |
| ES-3, \$98,400..... | 1 | | 1 | | 1 | | ... | |
| ES-2, \$94,400..... | 2 | | 2 | | 2 | | ... | |
| ES-1, \$90,000..... | 354 | | 354 | | 354 | | ... | |
| GS/GM-15, \$64,233 - \$83,502..... | 1,191 | | 1,201 | | 1,153 | | -46 | |
| GS/GM-14, \$54,407 - \$70,987..... | 6,282 | | 6,308 | | 6,306 | | -2 | |
| GS/GM-13, \$46,210 - \$60,070..... | 1,279 | | 1,301 | | 1,276 | | -27 | |
| GS-12, \$38,861 - \$50,516..... | 2,112 | | 2,112 | | 2,047 | | -69 | |
| GS-11, \$32,423 - \$42,152..... | 564 | | 564 | | 547 | | -17 | |
| GS-10, \$29,511 - \$38,367..... | 1,738 | | 1,776 | | 1,788 | | 12 | |
| GS-9, \$26,798 - \$34,835..... | 680 | | 680 | | 678 | | -2 | |
| GS-8, \$24,262 - \$31,542..... | 2,492 | | 2,979 | | 2,903 | | -76 | |
| GS-7, \$21,904 - \$28,476..... | 1,508 | | 1,508 | | 1,470 | | -38 | |
| GS-6, \$19,713 - \$25,626..... | 1,739 | | 1,776 | | 1,851 | | 75 | |
| GS-5, \$17,666 - \$22,996..... | 1,083 | | 1,083 | | 1,056 | | -27 | |
| GS-4, \$15,808 - \$20,551..... | 198 | | 198 | | 193 | | -5 | |
| GS-3, \$14,082 - \$18,303..... | 466 | | 466 | | 466 | | ... | |
| Ungraded Positions..... | 21,843 | \$806,197 | 23,763 | \$881,218 | 22,215 | \$816,181 | -218 | \$13,989 |
| 1993 pay increase..... | ... | 2,889 | ... | 6,780 | ... | 2,938 | ... | \$17,872 |
| Total, appropriated positions.... | -1,371 | -50,487 | -840 | -37,112 | -787 | -50,015 | 53 | -12,842 |
| Pay above stated annual rates..... | 20,472 | \$751,076 | 21,623 | \$842,421 | 21,428 | \$859,269 | -165 | \$16,848 |
| Lapse..... | | | | | | | | |
| Savings due to lower pay scales for part of the year..... | | | | | | | | |
| Net full-time permanent..... | | | | | | | | |

Federal Bureau of Investigation
Salaries and expenses
Summary of Requirements by Grade and Object Class (continued)
(Dollars in thousands)

| | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|--|-----------------------|------------|-----------------------|-------------|-----------------------|-------------|-----------------------|----------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and Salary Ranges | | | | | | | | |
| Other than full-time permanent: | | | | | | | | |
| Part-time permanent..... | 137 | \$2,810 | 150 | \$2,913 | 149 | \$2,899 | -1 | -14 |
| Other personnel compensation: | | | | | | | | |
| Overtime..... | 274 | 10,638 | 237 | 10,000 | 233 | 9,828 | -4 | -172 |
| Administratively uncontrolable overtime..... | 2,028 | 107,178 | 2,091 | 116,494 | 2,035 | 119,210 | -56 | 2,716 |
| Other compensation..... | 86 | 29,261 | 85 | 30,769 | 82 | 29,643 | -3 | -1,126 |
| Total, workyears and personnel compensation..... | 22,997 | \$901,360 | 24,166 | \$1,002,597 | 23,957 | \$1,020,849 | -229 | \$18,252 |
| Average ES Salary..... | | (\$80,649) | | (\$99,380) | | (\$100,520) | | |
| Average GS/GM Salary..... | | (\$36,841) | | (\$39,090) | | (\$40,911) | | |
| Average GS/GM Grade..... | | (9.85) | | (9.78) | | (9.78) | | |
| Average Salary of Ungraded Positions | | (\$25,131) | | (\$26,116) | | (\$27,182) | | |

Federal Bureau of Investigation
Salaries and expenses
Summary of Requirements by Grade and Object Class (continued)
(Dollars in thousands)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|-------------|-------------|---------------|-------------|---------------|-------------|-------------------|-----------|
| | Workyears | Amount | Workyears | Amount | Workyears | Amount | Workyears | Amount |
| 11.1 Full-time permanent..... | 20,472 | \$751,074 | 21,423 | \$842,421 | 21,458 | \$859,269 | -165 | \$16,848 |
| 11.2 Part-time permanent..... | 137 | 2,510 | 2,150 | 2,913 | 2,149 | 2,899 | -1 | -14 |
| 11.5 Other personnel compensation..... | 2,388 | 147,774 | 2,413 | 157,263 | 2,350 | 158,681 | -63 | 1,418 |
| 11.5 Total, workyears and personnel compensation..... | 22,997 | 901,360 | 24,186 | 1,002,597 | 23,957 | 1,020,849 | -229 | 18,252 |
| Reimbursable workyears: | | | | | | | | |
| Full-time permanent..... | (3,895) | | (3,899) | | (2,681) | | (82) | |
| Overtime/holiday..... | (175) | | (309) | | (321) | | (12) | |
| Other objects: | | | | | | | | |
| 12 Personnel benefits..... | 206,082 | | 244,138 | | 255,703 | | 11,565 | |
| 13 Benefits to former personnel..... | 29 | | 318 | | 318 | | -129 | |
| 21 Travel and transportation of persons..... | 39,352 | | 34,103 | | 34,523 | | 420 | |
| 22 Transportation of things..... | 9,922 | | 7,784 | | 8,328 | | 544 | |
| 23.1 GSA Rent..... | 93,486 | | 113,787 | | 135,344 | | 21,557 | |
| 23.2 Rental payments to others..... | 16,734 | | 19,516 | | 19,428 | | -88 | |
| 23.3 Communications, utilities and miscellaneous charges..... | 52,228 | | 62,057 | | 65,384 | | 3,327 | |
| 24 Printing and reproduction..... | 2,788 | | 3,318 | | 3,330 | | 12 | |
| 25 Other services..... | 143,329 | | 148,541 | | 163,823 | | 15,282 | |
| 26 Supplies and materials..... | 39,851 | | 40,363 | | 41,779 | | 1,396 | |
| 31 Equipment..... | 183,439 | | 273,178 | | 286,455 | | 13,277 | |
| 32 Lands and structures..... | 26,197 | | 173,584 | | 31,592 | | -141,992 | |
| 42 Insurance claims and indemnities..... | 200 | | 506 | | 493 | | -13 | |
| 91 Unvouchered..... | | | 70 | | 58 | | -12 | |
| *Total Obligations..... | 22,997 | \$1,716,999 | 24,186 | \$2,123,877 | 23,957 | \$2,067,275 | -229 | \$-56,602 |

* Revisions have been made to the amounts previously submitted in the Galley as a result of updated information to multi-year funding projections.

Financial

| | 1991 Actual | | 1992 Estimate | | 1993 Estimate | |
|--|-------------|-----------|---------------|-----------|---------------|-------------|
| | Amount | Vorkvæska | Amount | Vorkvæska | Amount | Vorkvæska |
| •Unobligated balance, start-of-year..... | -220,728 | ... | -203,347 | ... | ... | -4,562 |
| •Unobligated balance, end-of-year..... | 202,347 | ... | 4,562 | ... | ... | 0 |
| Total Requirements..... | 1,698,623 | ... | 1,226,093 | ... | ... | 2,062,713 |
| Relation of obligations to outlays: | | | | | | |
| Total Obligations..... | 1,716,999 | ... | 2,123,977 | ... | ... | 2,067,375 |
| •Obligated balance, start-of-year..... | 123,457 | ... | 148,177 | ... | ... | 480,161 |
| •Obligated balance, end-of-year..... | -146,117 | ... | -490,161 | ... | ... | -666,345 |
| Adjustments in expired accounts..... | ... | ... | ... | ... | ... | ... |
| Outlays (net)..... | 91,635,239 | ... | \$1,810,893 | ... | ... | \$1,882,991 |

* Revisions have been made to the amounts previously submitted in the Galleys as a result of updated information to multi-year funding projections.

Department of Justice
Federal Bureau of Investigation
Special Program
Estimated for Fiscal Year 1991
Table of Contents

| | Page Number |
|--|----------------|
| Justification of Proposed Changes in Appropriation Language..... | 1 |
| Summary of Requirements..... | 2 |
| Justification of Program and Performance - Special Program..... | 3 |
| Financial Analyses - Program Changes..... | 4 |
| Detail of Permanent Positions by Category..... | 5 |
| Summary of Requirements by Grade and Object Class..... | 6 |

Federal Bureau of Investigation

Special Programs

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include a new appropriation for which language is detailed below.

Special Programs

For necessary expenses of the Federal Bureau of Investigation for special programs in support of the nation's security, \$80,000,000.

Federal Bureau of Investigation

Special Program

Summary of Requirements
(dollars in thousands)

| | Perm. Pos. | Work- years | Amount |
|---|---------------|----------------|----------|
| Adjustments to base: | | | |
| 1992 as enacted..... | ... | ... | ... |
| Transfers between accounts..... | ... | ... | ... |
| 1992 appropriation anticipated..... | ... | ... | ... |
| Mandatory increases..... | ... | ... | ... |
| Decreases (automatic, non-policy)..... | ... | ... | ... |
| Adjustment to 054 Budget Function (transferred from 751 Budget Function)..... | ... | ... | ... |
| 1993 Base..... | 578 | 565 | \$71,100 |

Estimate by budget activity

| | 1992 Appropriation Anticipated | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|--------------------------|-----------------------------------|--------------|---------------|--------------|---------------|--------------|-------------------|--------------|
| | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount | Perm. Pos. | WY Amount |
| 1. Special Program..... | ... | ... | 578 | \$71,100 | 583 | \$80,000 | 5 | \$8,900 |
| FOY Employment: | | | | | | | | |
| Full-time permanent..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Other..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total..... | ... | ... | ... | ... | ... | ... | ... | ... |

Federal Bureau of Investigation

Special Program

Justification of Program and Performance

| 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|----------------------|------|----------------------|------|---------------|----------|-------------------|------|
| Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| 578 | 565 | \$71,100 | 583 | 566 | \$80,000 | 5 | 1 |
| Special Program..... | | 578 565 \$71,100 583 | | 566 \$80,000 | | 5 1 \$8,900 | |

Long-Range Goal: To address issues and other matters of concern to national security.

Major Objective: To effectively and efficiently conduct investigations and other operations to address issues and other matters of concern to national security.

Base Program Description: Beginning in 1993, a special program appropriation is being requested for certain functions and initiatives conducted by the FBI in support of national security. These functions include field investigations, field support activities, headquarters management and coordination, and technical support. Base level funding totaling \$71,100,000 has been allocated to this appropriation from the FBI's salaries and expenses appropriation.

Program Changes:

| 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|----------------------|------|----------------------|------|--------------------------|----------|
| Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| 578 | 565 | \$71,100 | 583 | 566 | \$80,000 |
| Special Program..... | | 578 565 \$71,100 583 | | 566 \$80,000 5 1 \$8,900 | |

Technical Support: Five positions and \$8,900,000

The FBI is requesting an enhancement for technical initiatives in support of its national security mission. The requested enhancement includes personnel and nonpersonnel resources to permit expanded research and development efforts of new investigative support methodologies and new technology acquisition. The initiatives are necessary as a result of technological advances in the target environment and expanding countermeasures capabilities. Investigative efforts require advanced technical support to allow for undetectable effective surveillance and other forms of information collection. The planned initiatives for which the resources are requested relate to fundamental investigative support requirements without which the FBI could not effectively or efficiently support its national security mission.

Federal Bureau of Investigation
Special Program
Financial Analysis - Program Changes
(dollars in thousands)

| Item | Special Program | | Total | |
|--|-----------------|--------|-------|--------|
| | Pos. | Amount | Pos. | Amount |
| Grades | | | | |
| GS/GM-14..... | 4 | \$227 | 4 | \$227 |
| GS/GM-13..... | ... | ... | ... | ... |
| GS-12..... | ... | ... | ... | ... |
| GS-11..... | ... | ... | ... | ... |
| GS-9..... | 1 | 28 | 1 | 28 |
| GS-7..... | ... | ... | ... | ... |
| WG-1..... | ... | ... | ... | ... |
| GS-5..... | ... | ... | ... | ... |
| Federal Law Enforcement Pay Reform..... | ... | ... | ... | ... |
| Total positions and annual rates..... | 5 | 268 | 5 | 268 |
| Lapse (-)..... | -4 | -115 | -4 | -115 |
| Total workyears and personnel compensation..... | 1 | 133 | 1 | 133 |
| Other personnel compensation..... | ... | 30 | ... | 30 |
| Personnel benefits..... | ... | 48 | ... | 48 |
| Travel and transportation of persons..... | ... | 10 | ... | 10 |
| Transportation of things..... | ... | 20 | ... | 20 |
| GSA rent..... | ... | 13 | ... | 13 |
| Rental payment to others..... | ... | ... | ... | ... |
| Communications, utilities, and miscellaneous charges..... | ... | 10 | ... | 10 |
| Printing and reproduction..... | ... | ... | ... | ... |
| Other services..... | ... | 66 | ... | 66 |
| Supplies and materials..... | ... | 4 | ... | 4 |
| Equipment..... | ... | 8,566 | ... | 8,566 |
| Lands and structures..... | ... | ... | ... | ... |
| Total program workyears and obligations changes requested, 1993..... | 1 | 8,200 | 1 | 8,200 |

Federal Bureau of Investigation
Special Program
Detail of Permanent Positions by Category
Fiscal Years 1991 - 1992

| Category | 1991 Authorized | 1992 Authorized | 1992 Total | Adjustment to 054 Budget Function | 1992 Program Increases | Total |
|---|--------------------|--------------------|---------------|--------------------------------------|------------------------------|-------|
| Criminal Investigation (1811)..... | ... | ... | ... | 354 | 4 | 358 |
| General Administration Clerical & Office Services (300-399)... | ... | ... | ... | 197 | ... | 197 |
| Professional/Technical..... | ... | ... | ... | 27 | 1 | 28 |
| Total..... | ... | ... | ... | 578 | 5 | 583 |
| Washington..... | ... | ... | ... | 61 | 5 | 66 |
| U. S. Field..... | ... | ... | ... | 517 | ... | 517 |
| Foreign Field..... | ... | ... | ... | ... | ... | ... |
| Total..... | ... | ... | ... | 578 | 5 | 583 |

**Federal Bureau of Investigation
Special Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

| | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|-----------------------|--------|-----------------------|--------|-----------------------|--------|-----------------------|--------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and Salary Ranges | | | | | | | | |
| Executive Level I, \$125, 100..... | ... | ... | ... | ... | ... | ... | ... | ... |
| ES-6, \$108, 300..... | ... | ... | ... | ... | ... | ... | ... | ... |
| ES-5, \$104, 600..... | ... | ... | ... | ... | ... | ... | ... | ... |
| ES-4, \$100, 500..... | ... | ... | ... | ... | ... | ... | ... | ... |
| ES-3, \$95, 300..... | ... | ... | ... | ... | ... | ... | ... | ... |
| ES-2, \$91, 200..... | ... | ... | ... | ... | ... | ... | ... | ... |
| ES-1, \$87, 000..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS/GM-15, \$64, 232 - \$83, 504..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS/GM-14, \$54, 607 - \$70, 990..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS/GM-10, \$46, 211 - \$38, 364..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-12, \$36, 861 - \$50, 517..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-11, \$32, 423 - \$42, 148..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-10, \$29, 322 - \$38, 364..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-9, \$26, 797 - \$34, 835..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-8, \$24, 262 - \$31, 539..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-7, \$21, 906 - \$28, 480..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-6, \$19, 714 - \$25, 631..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-5, \$17, 466 - \$22, 963..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-4, \$15, 808 - \$20, 553..... | ... | ... | ... | ... | ... | ... | ... | ... |
| GS-3, \$14, 803 - \$18, 312..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Ungraded Positions..... | ... | ... | ... | ... | ... | ... | ... | ... |
| 1993 Pay Increase..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total, appropriated positions..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Pay above stated annual rates..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Lapse..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Savings due to lower pay scales for part of year..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Net full-time permanent..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Other than permanent: | | | | | | | | |
| Temporary employment..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Other part-time and intermittent employment..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Other personnel compensation: | | | | | | | | |
| Overtime..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Administratively uncontrollable overtime..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Other compensation..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Special personnel services payments..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total, workyears and personnel compensation..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Average ES Salary..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Average GS/GM Salary..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Average GS/GM Grade..... | ... | ... | ... | ... | ... | ... | ... | ... |

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|--|-------------|--------|---------------|--------|--------------|---------|-------------------|---------|
| | Volunteers | Amount | Volunteers | Amount | Volunteers | Amount | Volunteers | Amount |
| 11.1 Full-time Permanent..... | ... | ... | ... | ... | 565 | 932,134 | 565 | 932,134 |
| 11.3 Other than full-time permanent..... | ... | ... | ... | ... | 1 | 14 | 1 | 14 |
| 11.5 Other personnel compensation..... | ... | ... | ... | ... | 80 | 5,254 | 80 | 5,254 |
| 11.8 Special personnel services payments..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total, workyears and personnel compensation | ... | ... | ... | ... | 646 | 37,402 | 646 | 37,372 |
| 12 Personnel benefits..... | ... | ... | ... | ... | 10,085 | ... | 10,085 | ... |
| 13 Payments to former personnel..... | ... | ... | ... | ... | 2 | ... | 2 | ... |
| 21 Travel and transportation of persons..... | ... | ... | ... | ... | 1,116 | ... | 1,116 | ... |
| 22 Transportation of things..... | ... | ... | ... | ... | 331 | ... | 331 | ... |
| 23.1 GSA Rent..... | ... | ... | ... | ... | 6,165 | ... | 6,165 | ... |
| 23.2 Rental payments to others..... | ... | ... | ... | ... | 204 | ... | 204 | ... |
| 23.3 Communications, utilities, and miscellaneous charges..... | ... | ... | ... | ... | 421 | ... | 421 | ... |
| 24 Printing and reproduction..... | ... | ... | ... | ... | 29 | ... | 29 | ... |
| 25 Other services..... | ... | ... | ... | ... | 5,322 | ... | 5,322 | ... |
| 26 Supplies and materials..... | ... | ... | ... | ... | 1,081 | ... | 1,081 | ... |
| 31 Equipment..... | ... | ... | ... | ... | 17,816 | ... | 17,816 | ... |
| 42 Insurance claims and indemnities..... | ... | ... | ... | ... | 14 | ... | 14 | ... |
| 91 Unvouchered..... | ... | ... | ... | ... | 12 | ... | 12 | ... |
| Total obligations..... | ... | ... | ... | ... | 80,000 | ... | 80,000 | ... |
| Relation of obligations to outlays: | ... | ... | ... | ... | ... | ... | ... | ... |
| Obligated balance, start-of-year..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Obligated balance, end-of-year..... | ... | ... | ... | ... | -20,000 | ... | -20,000 | ... |
| Adjustments in expired accounts..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Outlays..... | ... | ... | ... | ... | 60,000 | ... | 60,000 | ... |

Mr. SMITH of Iowa. We have the Director of the FBI, Judge Sessions. Do you have a statement?

GENERAL STATEMENT

Mr. SESSIONS. Good morning, Mr. Chairman. Thank you for once again giving me the opportunity to appear before this Committee in support of the FBI's budget. Each of us in this room is aware of the scope and the complexities of the crime problems that face America. These range from the intricate manipulations of financial information to defraud bank depositors and stockholders to the apparently random, and often drug-related, violence occurring in our streets.

The FBI has direct or indirect investigative responsibility for the full range of these criminal activities. The budget I am presenting today and the increases the administration is proposing will help us in meeting the law enforcement demands levied upon us.

The presentation of the FBI's budget for 1993 is unlike any previous submission. As you noted, in total, we are requesting \$2,119,683,000, and 22,828 positions, including 9953 special agents. The 1993 request represents an increase over the 1992 appropriation of 10.1 percent, or \$193,591,000, and 365 positions, including 210 agents. Program increases total \$138,999,000, and base level adjustments, allowing the FBI to sustain current services total \$54,592,000. What is unique about this budget is that, for the first time, instead of a single "Salaries and expenses" appropriation, we are requesting two separate appropriations. The first, "Salaries and expenses," is a domestic discretionary program. A new "Special program" appropriation is a defense discretionary function. Of the above total, \$80 million, and 583 positions, including 358 special agents, are in the "Special program" appropriation. I would like to address this latter provision at the end of my prepared remarks, because it is of particular importance to us.

Over and above the direct appropriation request, the FBI is seeking \$23,030,000 as an advance appropriation from the Assets Forfeiture Fund. This would fund construction initiatives at the FBI Academy essential to the planned expansion to accommodate the Justice Training Center, which is requested elsewhere in the Department of Justice budget. It would also provide funds for replacement automobiles and for other requirements related to tactical operations. Further, \$106,869,000, including 1153 positions, is requested in the Organized Crime Drug Enforcement appropriation. And then, last but not least, \$22 million is requested in the Office of Justice Programs for the National Crime Information Center 2000 (NCIC 2000). These last two are handled as reimbursements to the FBI.

SAFE STREETS

The most dramatic initiative in this budget, however, is one which we are implementing in the current fiscal year with the recent reprogramming of base resources. In the past few years, it has become all too commonplace to hear the latest murder report on the way to work in the morning. The Washington, D.C. murder toll for last year was 489 persons; as of last Friday, 82 murders

have occurred already this year. Drugs and the spread of drug-related violence are becoming epidemic in our culture, so much so that we have come to accept such reports as routine. We must strive to avoid such resignation and endeavor to stem this tide through new and innovative programs.

The lessening of international tensions has afforded us an unprecedented opportunity to focus on the pressing domestic crime problems. With the concurrence of the Congress, we are redirecting resources in 1992 and 1993 from foreign counterintelligence to violent crimes, under the "Safe Streets Initiative," and to health care fraud. Task forces have been and are being formed in response to the most pressing criminal concerns in our cities. In Washington, D.C., the FBI is directing personnel against the violence and murder that is attendant to drug trafficking. In Chicago and San Francisco, the FBI and local law enforcement departments have formed fugitive task forces to capture the most violent fugitives.

In Baltimore, Atlanta, Dallas, and Washington, D.C., we have joined forces with the Bureau of Alcohol, Tobacco and Firearms to attack violent criminal activity intertwined with illegal firearms. Our strategy doesn't stop there, however. I have directed each of the Special Agents in Charge of our field offices to enhance community outreach programs to ensure our actions continue to be responsive to community needs. Our plan will not only aid State and local law enforcement by increasing violent crime solution rates, but will also allow us to uproot violent criminal organizations, whose roots have transcended a given local agency's territorial bounds. Whatever can be done to reverse the violent crime trend now will surely be less costly than dealing with the consequences at some later date. Remarkably, all of this has taken place strictly through the use of base resources, with not one additional tax dollar having been requested. In all, we are reprogramming 385 agents to violent crimes and 65 to health care fraud. Dedicated health care fraud squads are being established in 12 additional field offices, and we have implemented an aggressive plan to identify the health care system's abusers.

COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES

To me, this is the essence of the role of the FBI in the criminal justice community. The United States has over 62,000 law enforcement agencies. With the ever-tightening squeeze on tax dollars, coordination and cooperation between all levels of law enforcement are increasingly important. There must be a mechanism to ensure this occurs. The FBI fulfills this role. Long ago, we learned the value of cooperation and interdependence through our responsibilities for services such as: Fingerprint identification, forensic services, the National Crime Information Center, and National Academy training at the FBI Academy at Quantico. The users of these services have repaid the value of our investment many times over through cooperation and returned consideration. It is this knowledge and experience which lead us to incorporate cooperation as a foundation for every job we undertake. The result is balanced law enforcement for this nation, with minimal wasted effort.

This budget stresses cooperation and coordination at all levels of law enforcement, with action responsive to the concerns of this country. It is only through such an approach that the full value of our resources can be realized. This budget would promote interdependence and communication in every facet of investigation and law enforcement support within the FBI's purview.

FINGERPRINT IDENTIFICATION

Coordination and cooperation among the law enforcement agencies and the citizenry, the keys to successful law enforcement, are best achieved when we, as a nation, pull together in unison striving toward a common purpose. No law enforcement venture better typifies such cooperation than that of the ongoing fingerprint identification initiative. I hesitate to refer to it as the FBI's initiative, because so many participants are working in concert to make real time, automated fingerprint searching and processing a reality. The users, represented at present by the NCIC Advisory Policy Board are defining their requirements, establishing the focal point around which this system is being developed.

The Administration has designated fingerprint automation as a presidential priority initiative, affording it the precedence it must have, so that it will succeed. This committee has supported necessary funding to relocate the facility and develop new automated fingerprint technology and has appropriated funding enabling me to afford this project the appropriate attention within the FBI. For that, I express my sincere thanks and give you my assurance that the FBI will continue its role as the leader for systems development, implementation, and operation to ensure that law enforcement will have 21st Century identification capabilities as early as 1995. Of the total increases of \$138,999,000 requested for the FBI, \$103,400,000, or 74 percent, is for the continuing implementation of the fingerprint automation initiative. More specifically, this funding is vital for development of the Image Transmission Network, conversion of existing fingerprint records to the automated format and the initial development of a Felon Identification in Firearms Sales System.

Somewhat smaller than fingerprint identification in terms of budget authority, but vital nonetheless, this request includes funding for a number of our criminal investigative programs.

WHITE-COLLAR CRIME

The first is the area of white collar crime. White collar crime revelations of the 1980s and early 1990s have undermined the very integrity of the banking system. In recent years, this country has seen financial institutions, whose stability was always taken for granted, fall into insolvency.

The government has insured depositors against losses, but only at great expense to the taxpayer. Joining forces in various task forces with related agencies, including the Office of Thrift Supervision, United States Attorney's Offices, the Internal Revenue Service, and the United States Secret Service, the FBI now has 733 investigations of failed financial institutions underway. In addition, we have under investigation 4,336 financial institution fraud cases

with losses in each of those cases exceeding \$100,000. I can report with pride that, in 1991, there were 2,559 convictions, 986 of which were in these major fraud cases.

Significant inroads are being made and recoveries recognized, but surely more cases of failure are yet to surface. It is estimated that the number of insolvent financial institutions, yet to be closed, ranges to over 1,000. If the historical rate of criminal referrals holds, this could add as many as 500 more such cases to our inventory. I hope that, when I next appear before this committee, I will be able to say that this problem has peaked. Unfortunately, we can not yet make that claim. This budget would add 50 more agents to enhance our efforts in that area.

There are other industries susceptible to the types of abuses which led to the financial institution fraud crisis. Health care industry experts estimate that false and fraudulent billings are as high as 15 percent. This becomes more startling when viewed within the context of total United States 1991 health care expenditures of \$700 billion. This budget request would augment 1992 and 1993 reprogrammings of 65 agents for health care fraud with a requested increase of another 35 agents. Insurance and pension industry frauds, commodity fraud, boiler-room scams, computer frauds and bankruptcy frauds are also areas of concern. In the past, these problem areas have received less attention due to the priority demanded by financial institution fraud. This budget would add 51 agents to these investigations.

DRUGS

As you are aware, numerous Federal, State and local agencies, with varied jurisdiction and capabilities, are involved in drug investigations. The scope of the insidious menace of drugs demands that the government marshal all such resources. Without adequate coordination, however, we cannot achieve maximum benefit from their efforts. This fiscal year 1993 request includes 21 agents to expand the implementation of the FBI's Regional Drug Intelligence Squads. By using the Regional Drug Intelligence Squad concept, we can identify drug organizations warranting Federal investigation. The Regional Drug Intelligence Squads also provide the underpinning of the FBI's Automated Drug Intelligence System.

This system is expected to support the National Drug Intelligence Center, that is NDIC, which, when implemented, will allow agencies at all levels to share drug trafficking intelligence and, thus, work in concert against common targets and avoid potentially dangerous and uncoordinated duplication of effort.

ORGANIZED CRIME DRUG ENFORCEMENT

The Organized Crime Drug Enforcement Program, which is actually a reimbursable function and not specifically a part of this budget, includes an enhancement of 66 agents for the regional action initiative. This would enable the FBI to expand front line investigative coverage. Our coverage in recent years has largely been concentrated in the major importation and drug trafficking cities. This requested enhancement would allow national coordina-

tion for communities in the "Heartland" of the United States by aiding in their fight against the drug menace.

ORGANIZED CRIME

The Organized Crime Program, like the drugs program, has a focused national strategy on criminal problems pervading the social and economic fabric of our communities. Only long-term investigations, fully identifying the influence of criminal organizations, can effectively uproot such organizations.

The La Cosa Nostra investigations, charging the heads of crime families with violations of the criminal Racketeer Influenced and Corrupt Organization (RICO) Statute, coupled with ongoing civil RICO proceedings wresting from these criminals their illicit control of labor organizations, typify the long-term commitment necessary for success. This budget would expand the Organized Crime Program to direct the same strategy against Asian organized criminal groups. These groups are attempting to insinuate themselves into American life much as La Cosa Nostra did years ago. The sooner we can mount an all-out assault on this intrusion, the greater the likelihood of our success in this area will be. This budget would add 17 agents to Asian organized crime effort. Again, this is a problem which will only become more costly if left unaddressed.

COUNTERTERRORISM

The last investigative program for which we seek enhancement is the Counterterrorism Program. Specifically, we would augment the Hostage Rescue Team (HRT) by 21 agents. It has long been recognized that this vital tactical resource, the only one of its kind in the United States, is not sufficiently staffed to respond to multiple incidents or to certain critical incidents for which there are precedents in the world today. In 1987, the prison riots in Atlanta, Georgia, occurred within 48 hours of the prior occurrence at Oakdale, Louisiana. The HRT was already fully deployed at Oakdale and unable to redeploy or subdivide to provide Atlanta with the response that it required.

The 1991 Talladega prison uprising, while another excellent example of the HRT's unique value, demonstrated starkly for those managing this critical incident response, that a real need for expanded HRT capabilities exists. During that incident, the shift of a few minor variables might have reduced our ability to respond and yielded an altogether different, and possibly tragic, end to that success story. In the face of escalating violent crimes and heightened international terrorist activity, the HRT expansion takes on even greater prominence.

TECHNICAL FIELD SUPPORT AND EQUIPMENT

Aside from the fingerprint identification resources discussed above, only one other non-investigative program would be increased by this budget. That is the Technical Field Support and Equipment Program. It is from within this program that the FBI is leading the law enforcement and intelligence community's technological response to digital telephony. Resources are also included in tactical operations which support electronic surveillance capabili-

ties. These investigative capabilities are crucial to successes achieved in virtually every investigative program. Critical evidence, that otherwise would simply be unobtainable, is gathered through this technique. Considering that electronic surveillance can now only be employed in the highest priority cases, simply as a matter of economics, any diminution of our technical capability necessarily results in lost prosecutive opportunity in our highest priority cases. Bear in mind, this technology does not increase our electronic surveillance capacity. Rather, it simply seeks to keep existing techniques viable as the telecommunications industry migrates to the digital technology. This budget would offer \$17,704,000 in funding necessary to mount our response to these advancing technologies.

SPECIAL PROGRAM

At this point, I would like to take a few minutes to address specifically our \$80 million Special Program appropriation request in the defense discretionary account. This request includes 578 positions, of which 354 are agents, and \$71,100,000 in base resources, and \$8,900,000 in new funding for the digital telephony initiative in the Foreign Counterintelligence (FCI) Program. This added amount, in addition to amounts mentioned earlier for technical field support and equipment would provide a total of \$12,704,000 in 1993 to further efforts to develop new technologies to enhance telecommunications interception capabilities of law enforcement and intelligence communities. As I noted, this Special Program request represents Foreign Counterintelligence Program base resources. More precisely, those identified here are the FCI-resources committed to national security issues in our newly-defined National Security Threat List, that is the NSTL concept.

The international situation is very dynamic and potentially unstable. The FBI is in no better position to predict the direction or outcome of the changing world order than is any other member of the Intelligence Community. Nonetheless, we have, as our most sensitive responsibility, the obligation to protect certain critical information. The NSTL concept is designed to ensure the security of that information while remaining base FCI resources are dedicated to addressing the more traditional threats and operations. In order for us to fulfill this important mandate, we must apply all of the remaining FCI base resources, in both the defense discretionary and domestic discretionary accounts.

I have outlined the plan for the FBI in 1993 and the funding required to implement this plan only in the most cursory fashion. This budget was formulated to enable the FBI to fortify cooperation and communication at all levels of law enforcement, ensuring the optimal return on our investment. Only through such efficiency can we hope to establish a credible deterrent to the pressing criminal problems of the day.

This concludes my prepared statement, Mr. Chairman, and of course I welcome the opportunity to respond to whatever questions you have.

[The prepared statement of Director Sessions follows:]

DEPARTMENT OF JUSTICE
STATEMENT OF WILLIAM S. SESSIONS
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

THANK YOU FOR GIVING ME THE OPPORTUNITY TO ONCE AGAIN APPEAR BEFORE THIS SUBCOMMITTEE IN SUPPORT OF THE FBI'S BUDGET. EACH OF US IN THIS ROOM IS AWARE OF THE SCOPE AND COMPLEXITIES OF THE CRIME PROBLEMS FACING OUR SOCIETY. THESE RANGE FROM THE INTRICATE MANIPULATIONS OF FINANCIAL INFORMATION TO DEFRAUD BANK DEPOSITORS AND STOCKHOLDERS TO THE APPARENTLY RANDOM, AND OFTEN DRUG-RELATED, VIOLENCE OCCURRING IN OUR STREETS.

THE FBI HAS DIRECT OR INDIRECT INVESTIGATIVE RESPONSIBILITY FOR THE FULL RANGE OF THESE CRIMINAL ACTIVITIES. THE RESOURCES AVAILABLE TO US ARE NOT SUFFICIENT TO MEET THESE RESPONSIBILITIES. THE BUDGET I AM PRESENTING TODAY, THE INCREASES THE ADMINISTRATION IS PROPOSING, WILL HELP US IN MEETING THOSE DEMANDS.

THE PRESENTATION OF THE FBI'S BUDGET FOR 1993 IS UNLIKE ANY PREVIOUS SUBMISSION. IN TOTAL, WE ARE REQUESTING \$2,119,683,000 AND 22,828 POSITIONS, INCLUDING 9,953 AGENTS. THE 1993 REQUEST REPRESENTS AN INCREASE OVER THE 1992 APPROPRIATION OF 10.1 PERCENT, OR \$193,591,000 AND 365 POSITIONS, INCLUDING 210 AGENTS. PROGRAM INCREASES TOTAL \$138,999,000 AND BASE LEVEL ADJUSTMENTS, ALLOWING THE FBI TO

SUSTAIN CURRENT SERVICES, TOTAL \$54,592,000. WHAT IS UNIQUE ABOUT THIS BUDGET IS THAT, FOR THE FIRST TIME, INSTEAD OF A SINGLE "SALARIES AND EXPENSES" APPROPRIATION, WE ARE REQUESTING TWO SEPARATE APPROPRIATIONS, "SALARIES AND EXPENSES" WHICH IS A DOMESTIC DISCRETIONARY PROGRAM AND A NEW "SPECIAL PROGRAM" APPROPRIATION IN THE DEFENSE DISCRETIONARY FUNCTION. OF THE ABOVE TOTAL, \$80,000,000 AND 583 POSITIONS, INCLUDING 358 AGENTS, ARE IN THE "SPECIAL PROGRAM" APPROPRIATION. I WOULD LIKE TO ADDRESS THIS LATTER PROVISION AT THE END OF MY PREPARED REMARKS BECAUSE IT IS OF PARTICULAR IMPORTANCE TO US.

OVER AND ABOVE THE DIRECT APPROPRIATION REQUEST, THE FBI IS SEEKING \$23,030,000 AS AN ADVANCE APPROPRIATION FROM THE ASSETS FORFEITURE FUND. THIS WOULD FUND CONSTRUCTION INITIATIVES AT THE FBI ACADEMY ESSENTIAL TO THE PLANNED EXPANSION TO ACCOMMODATE THE JUSTICE TRAINING CENTER, WHICH IS REQUESTED ELSEWHERE IN THE DEPARTMENT OF JUSTICE BUDGET. IT WOULD ALSO PROVIDE FUNDS FOR REPLACEMENT AUTOMOBILES AND FOR OTHER REQUIREMENTS RELATED TO TACTICAL OPERATIONS. FURTHER, \$106,869,000, INCLUDING 1,153 POSITIONS, IS REQUESTED IN THE ORGANIZED CRIME DRUG ENFORCEMENT APPROPRIATION. AND, OF COURSE, LAST BUT NOT LEAST, \$22,000,000 IS REQUESTED IN THE OFFICE OF JUSTICE PROGRAMS FOR THE NATIONAL CRIME INFORMATION CENTER (NCIC) 2000. THESE LAST TWO ARE HANDLED AS REIMBURSEMENTS TO THE FBI.

SAFE STREETS

THE MOST DRAMATIC INITIATIVE IN THIS BUDGET, HOWEVER, IS ONE WHICH WE ARE IMPLEMENTING IN THE CURRENT FISCAL YEAR WITH THE RECENT REPROGRAMMING OF BASE RESOURCES. IN THE PAST FEW YEARS, IT HAS BECOME ALL TOO COMMONPLACE TO HEAR THE LATEST MURDER REPORT ON THE WAY TO WORK IN THE MORNING. THE WASHINGTON, D.C., MURDER TOLL FOR LAST YEAR WAS 489; AS OF LAST FRIDAY, 82 MURDERS HAVE OCCURRED ALREADY THIS YEAR. DRUGS AND THE SPREAD OF DRUG RELATED VIOLENCE ARE BECOMING EPIDEMIC IN OUR CULTURE, SO MUCH SO THAT WE HAVE COME TO ACCEPT SUCH REPORTS AS ROUTINE. WE MUST STRIVE TO AVOID SUCH RESIGNATION AND ENDEAVOR TO STEM THIS TIDE THROUGH NEW AND INNOVATIVE PLANS.

THE LESSENING OF INTERNATIONAL TENSIONS HAS AFFORDED US AN UNPRECEDENTED OPPORTUNITY TO FOCUS ON PRESSING DOMESTIC CRIME PROBLEMS. WITH THE CONCURRENCE OF THE CONGRESS, WE ARE REDIRECTING RESOURCES IN 1992 AND 1993 FROM FOREIGN COUNTERINTELLIGENCE TO VIOLENT CRIMES, UNDER THE "SAFE STREETS INITIATIVE," AND TO HEALTH CARE FRAUD. TASK FORCES HAVE BEEN AND ARE BEING FORMED IN RESPONSE TO THE MOST PRESSING CRIMINAL CONCERNS OF OUR CITIES. IN WASHINGTON, D.C., THE FBI IS DIRECTING PERSONNEL AGAINST THE VIOLENCE AND MURDER ATTENDANT TO DRUG TRAFFICKING. IN CHICAGO AND SAN FRANCISCO, THE FBI AND LOCAL LAW ENFORCEMENT DEPARTMENTS HAVE FORMED FUGITIVE TASK FORCES TO CAPTURE THE MOST VIOLENT FUGITIVES. IN BALTIMORE, ATLANTA, DALLAS, AND

WASHINGTON, D.C., WE HAVE JOINED FORCES WITH THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS TO ATTACK VIOLENT CRIMINAL ACTIVITY INTERTWINED WITH ILLEGAL FIREARMS. OUR STRATEGY DOESN'T STOP THERE, HOWEVER. I HAVE DIRECTED EACH OF THE SPECIAL AGENTS IN CHARGE OF OUR FIELD OFFICES TO ENHANCE COMMUNITY OUTREACH PROGRAMS TO ENSURE OUR ACTIONS CONTINUE TO BE RESPONSIVE TO COMMUNITY NEEDS. OUR PLAN WILL NOT ONLY AID STATE AND LOCAL LAW ENFORCEMENT BY INCREASING VIOLENT CRIME SOLUTION RATES, BUT WILL ALSO ALLOW US TO UPROOT VIOLENT CRIMINAL ORGANIZATIONS, WHOSE ROOTS HAVE TRANSCENDED A GIVEN LOCAL AGENCY'S TERRITORIAL BOUNDS. WHATEVER CAN BE DONE TO REVERSE THE VIOLENT CRIME TREND NOW, WILL SURELY BE LESS COSTLY THAN DEALING WITH THE CONSEQUENCES AT SOME LATER DATE. REMARKABLY, ALL OF THIS HAS TAKEN PLACE STRICTLY THROUGH THE USE OF BASE RESOURCES, WITH NOT ONE ADDITIONAL TAX DOLLAR HAVING BEEN REQUESTED. IN ALL, WE ARE REPROGRAMMING 385 AGENTS TO VIOLENT CRIMES AND 65 TO HEALTH CARE FRAUD. DEDICATED HEALTH CARE FRAUD SQUADS ARE BEING ESTABLISHED IN TWELVE ADDITIONAL FIELD OFFICES, AND WE HAVE IMPLEMENTED AN AGGRESSIVE PLAN TO IDENTIFY THE SYSTEM'S ABUSERS.

TO ME, THIS IS THE ESSENCE OF THE ROLE OF THE FBI IN THE CRIMINAL JUSTICE COMMUNITY. THE UNITED STATES HAS OVER 62,000 LAW ENFORCEMENT AGENCIES. WITH THE EVER TIGHTENING SQUEEZE ON TAX DOLLARS, COORDINATION AND COOPERATION BETWEEN ALL LEVELS OF LAW ENFORCEMENT ARE

INCREASINGLY IMPORTANT. THERE MUST BE A MECHANISM TO ENSURE THIS OCCURS. THE FBI FULFILLS THIS ROLE. LONG AGO, WE LEARNED THE VALUE OF COOPERATION AND INTERDEPENDENCE THROUGH OUR RESPONSIBILITIES FOR SERVICES SUCH AS: FINGERPRINT IDENTIFICATION, FORENSIC SERVICES, NATIONAL CRIME INFORMATION CENTER, AND NATIONAL ACADEMY TRAINING. THE USERS OF THESE SERVICES HAVE REPAID THE VALUE OF OUR INVESTMENT MANY TIMES OVER THROUGH COOPERATION AND RETURNED CONSIDERATION. IT IS THIS KNOWLEDGE AND EXPERIENCE WHICH LEAD US TO INCORPORATE COOPERATION AS A FOUNDATION FOR EVERY JOB WE UNDERTAKE. THE RESULT IS BALANCED LAW ENFORCEMENT FOR THIS NATION, WITH MINIMAL WASTED EFFORT. THIS BUDGET STRESSES COORDINATION AND COOPERATION AT ALL LEVELS OF LAW ENFORCEMENT, WITH ACTION RESPONSIVE TO THE CONCERNS OF THIS COUNTRY. IT IS ONLY THROUGH SUCH AN APPROACH THAT THE FULL VALUE OF OUR RESOURCES CAN BE REALIZED. THIS BUDGET WOULD PROMOTE INTERDEPENDENCE AND COMMUNICATION IN EVERY FACET OF INVESTIGATION AND LAW ENFORCEMENT SUPPORT WITHIN THE FBI'S PURVIEW.

FINGERPRINT IDENTIFICATION

COORDINATION AND COOPERATION AMONG LAW ENFORCEMENT AGENCIES AND THE CITIZENRY, THE KEY TO SUCCESSFUL LAW ENFORCEMENT, ARE BEST ACHIEVED WHEN WE, AS A NATION, PULL TOGETHER IN UNISON STRIVING TOWARD A COMMON PURPOSE. NO LAW ENFORCEMENT VENTURE BETTER TYPIFIES SUCH COOPERATION THAN THAT OF THE ONGOING FINGERPRINT IDENTIFICATION INITIATIVE.

I HESITATE TO REFER TO IT AS THE FBI'S INITIATIVE, BECAUSE SO MANY PARTICIPANTS ARE WORKING IN CONCERT TO MAKE REAL TIME, AUTOMATED FINGERPRINT SEARCHING AND PROCESSING A REALITY. THE USERS, REPRESENTED AT PRESENT BY THE NCIC ADVISORY POLICY BOARD, ARE DEFINING THEIR REQUIREMENTS, ESTABLISHING THE FOCAL POINT AROUND WHICH THE SYSTEM IS BEING DEVELOPED. THE ADMINISTRATION HAS DESIGNATED FINGERPRINT AUTOMATION A PRESIDENTIAL PRIORITY INITIATIVE, AFFORDING IT THE PRECEDENCE IT MUST HAVE, SO THAT IT WILL SUCCEED. THIS COMMITTEE HAS SUPPORTED NECESSARY FUNDING TO RELOCATE THE FACILITY AND DEVELOP NEW AUTOMATED FINGERPRINT TECHNOLOGY, AND HAS APPROPRIATED FUNDING ENABLING ME TO AFFORD THIS PROJECT THE APPROPRIATE ATTENTION WITHIN THE FBI. FOR THAT, I EXPRESS MY SINCERE THANKS AND GIVE YOU MY ASSURANCE THAT THE FBI WILL CONTINUE ITS ROLE AS THE LEADER FOR SYSTEMS DEVELOPMENT, IMPLEMENTATION, AND OPERATION TO ENSURE THAT LAW ENFORCEMENT WILL HAVE TWENTY-FIRST CENTURY IDENTIFICATION CAPABILITIES AS SOON AS 1995. OF THE TOTAL INCREASES OF \$138,999,000 REQUESTED FOR THE FBI, \$103,400,000, OR 74 PERCENT, IS FOR THE CONTINUING IMPLEMENTATION OF THE FINGERPRINT AUTOMATION INITIATIVE. MORE SPECIFICALLY, THIS FUNDING IS VITAL FOR DEVELOPMENT OF THE IMAGE TRANSMISSION NETWORK, CONVERSION OF EXISTING FINGERPRINT RECORDS TO THE AUTOMATED FORMAT AND

INITIAL DEVELOPMENT OF A FELON IDENTIFICATION IN FIREARMS SALES SYSTEM.

SOMEWHAT SMALLER THAN FINGERPRINT IDENTIFICATION IN TERMS OF BUDGET AUTHORITY, BUT VITAL NONETHELESS, THIS REQUEST INCLUDES FUNDING FOR A NUMBER OF OUR CRIMINAL INVESTIGATIVE PROGRAMS.

WHITE-COLLAR CRIME

WHITE-COLLAR CRIME REVELATIONS OF THE 1990S HAVE UNDERMINED THE VERY INTEGRITY OF THE BANKING SYSTEM. IN RECENT YEARS, THIS COUNTRY HAS SEEN FINANCIAL INSTITUTIONS, WHOSE STABILITY WAS ALWAYS TAKEN FOR GRANTED, FALL INTO INSOLVENCY. THE GOVERNMENT HAS INSURED DEPOSITORS AGAINST LOSSES, BUT ONLY AT GREAT EXPENSE TO THE TAXPAYER. JOINING FORCES IN VARIOUS TASK FORCES WITH RELATED AGENCIES, INCLUDING THE OFFICE OF THRIFT SUPERVISION, UNITED STATES ATTORNEYS OFFICE, THE INTERNAL REVENUE SERVICE, AND THE UNITED STATES SECRET SERVICE, THE FBI -RIGHT NOW- HAS 733 INVESTIGATIONS OF FAILED INSTITUTIONS UNDERWAY. IN ADDITION, WE HAVE UNDER INVESTIGATION 4,336 FINANCIAL INSTITUTION FRAUD CASES WITH LOSSES EXCEEDING \$100,000. I CAN REPORT WITH PRIDE THAT, IN 1991, THERE WERE 2,559 CONVICTIONS, 986 OF WHICH WERE IN THESE MAJOR FRAUD CASES. SIGNIFICANT INROADS ARE BEING MADE AND RECOVERIES RECOGNIZED, BUT SURELY MORE CASES OF FAILURE ARE YET TO SURFACE. IT IS ESTIMATED THAT THE NUMBER OF INSOLVENT FINANCIAL INSTITUTIONS, YET TO BE CLOSED, RANGES TO OVER

1,000. IF THE HISTORICAL RATE OF CRIMINAL REFERRALS HOLDS, THIS COULD ADD AS MANY AS 500 MORE SUCH CASES TO OUR INVENTORY. I HOPE THAT, WHEN I NEXT APPEAR BEFORE THIS COMMITTEE, I WILL BE ABLE TO SAY THAT THIS PROBLEM HAS PEAKED. UNFORTUNATELY, WE CAN NOT YET MAKE THAT CLAIM. THIS BUDGET WOULD ADD 50 AGENTS TO ENHANCE OUR EFFORTS.

THERE ARE OTHER INDUSTRIES SUSCEPTIBLE TO THE TYPES OF ABUSES WHICH LED TO THE FINANCIAL INSTITUTION FRAUD CRISIS. HEALTH CARE INDUSTRY EXPERTS ESTIMATE FALSE AND FRAUDULENT BILLINGS TO BE AS HIGH AS 15 PERCENT. THIS BECOMES MORE STARTLING WHEN VIEWED WITHIN THE CONTEXT OF TOTAL UNITED STATES 1991 HEALTH CARE EXPENDITURES OF \$700 BILLION. THIS BUDGET REQUEST WOULD AUGMENT 1992 AND 1993 REPROGRAMMINGS OF 65 AGENTS FOR HEALTH CARE FRAUD WITH A REQUESTED INCREASE OF ANOTHER 35 AGENTS. INSURANCE AND PENSION INDUSTRY FRAUDS, COMMODITY FRAUD, BOILER-ROOM SCAMS, COMPUTER FRAUDS AND BANKRUPTCY FRAUDS ARE ALSO AREAS OF CONCERN. IN THE PAST, THESE PROBLEM AREAS HAVE RECEIVED LESS ATTENTION DUE TO THE PRIORITY DEMANDED BY FINANCIAL INSTITUTION FRAUD. THIS BUDGET WOULD ADD 51 AGENTS TO THESE INVESTIGATIONS.

DRUGS

AS YOU ARE AWARE, NUMEROUS FEDERAL, STATE AND LOCAL AGENCIES, WITH VARIED JURISDICTION AND CAPABILITIES, ARE INVOLVED IN DRUG INVESTIGATIONS. THE SCOPE OF THE INSIDIOUS MENACE OF DRUGS DEMANDS THAT THE GOVERNMENT

MARSHALL ALL SUCH RESOURCES. WITHOUT ADEQUATE COORDINATION, HOWEVER, WE CANNOT ACHIEVE MAXIMUM BENEFIT FROM THEIR EFFORTS. THIS FY 1993 REQUEST INCLUDES 21 AGENTS TO EXPAND THE IMPLEMENTATION OF THE FBI'S REGIONAL DRUG INTELLIGENCE SQUADS. BY USING THE REGIONAL DRUG INTELLIGENCE SQUAD CONCEPT WE CAN IDENTIFY DRUG ORGANIZATIONS WARRANTING FEDERAL INVESTIGATION. THE REGIONAL DRUG INTELLIGENCE SQUADS ALSO PROVIDE THE UNDERPINNING OF THE FBI'S AUTOMATED DRUG INTELLIGENCE SYSTEM. THIS SYSTEM IS EXPECTED TO SUPPORT THE NATIONAL DRUG INTELLIGENCE CENTER (NDIC), WHICH, WHEN IMPLEMENTED, WILL ALLOW AGENCIES AT ALL LEVELS TO SHARE DRUG TRAFFICKING INTELLIGENCE AND, THUS, WORK IN CONCERT AGAINST COMMON TARGETS AND AVOID POTENTIALLY DANGEROUS AND UNCOORDINATED DUPLICATION OF EFFORT.

ORGANIZED CRIME DRUG ENFORCEMENT

THE ORGANIZED CRIME DRUG ENFORCEMENT PROGRAM, WHICH IS ACTUALLY A REIMBURSABLE FUNCTION AND NOT SPECIFICALLY A PART OF THIS BUDGET, INCLUDES 66 AGENTS FOR THE REGIONAL ACTION INITIATIVE. THIS WOULD ENABLE THE FBI TO EXPAND FRONT LINE INVESTIGATIVE COVERAGE. OUR COVERAGE IN RECENT YEARS HAS LARGELY BEEN CONCENTRATED IN THE MAJOR IMPORTATION AND DRUG TRAFFICKING CITIES. THIS REQUESTED ENHANCEMENT WOULD ALLOW NATIONAL COORDINATION FOR COMMUNITIES IN THE "HEARTLAND" OF THE UNITED STATES BY AIDING IN THEIR FIGHT AGAINST THE DRUG MENACE.

ORGANIZED CRIME

THE ORGANIZED CRIME PROGRAM, LIKE THE DRUGS PROGRAM, HAS A FOCUSED NATIONAL STRATEGY ON CRIMINAL PROBLEMS PERVADING THE SOCIAL AND ECONOMIC FABRIC OF OUR COMMUNITIES. ONLY LONG TERM INVESTIGATIONS, FULLY IDENTIFYING THE INFLUENCE OF CRIMINAL ORGANIZATIONS, CAN EFFECTIVELY UPROOT SUCH ORGANIZATIONS. THE LA COSA NOSTRA (LCN) INVESTIGATIONS, CHARGING THE HEADS OF CRIME FAMILIES WITH VIOLATIONS OF THE CRIMINAL-RACKETEER INFLUENCED AND CORRUPT ORGANIZATION (RICO) STATUTE, COUPLED WITH ONGOING CIVIL RICO PROCEEDINGS WRESTING FROM THESE CRIMINALS THEIR ILLICIT CONTROL OF LABOR ORGANIZATIONS, TYPIFY THE LONG TERM COMMITMENT NECESSARY FOR SUCCESS. THIS BUDGET WOULD EXPAND THE ORGANIZED CRIME PROGRAM TO DIRECT THIS SAME STRATEGY AGAINST ASIAN ORGANIZED CRIMINAL GROUPS. THESE GROUPS ARE ATTEMPTING TO INSINUATE THEMSELVES INTO AMERICAN LIFE MUCH AS THE LCN DID YEARS AGO. THE SOONER WE CAN MOUNT AN ALL OUT ASSAULT ON THIS INTRUSION, THE GREATER THE LIKELIHOOD OF OUR SUCCESS WILL BE. THIS BUDGET WOULD ADD 17 AGENTS TO THIS EFFORT. AGAIN, THIS IS A PROBLEM WHICH WILL ONLY BECOME MORE COSTLY IF LEFT UNADDRESSED.

COUNTERTERRORISM

THE LAST INVESTIGATIVE PROGRAM FOR WHICH WE SEEK ENHANCEMENT IS THE COUNTERTERRORISM PROGRAM. SPECIFICALLY, WE WOULD AUGMENT THE HOSTAGE RESCUE TEAM (HRT) BY 24 AGENTS. IT HAS LONG BEEN RECOGNIZED THAT THIS VITAL TACTICAL

RESOURCE, THE ONLY ONE OF ITS KIND IN THE UNITED STATES, IS NOT SUFFICIENTLY STAFFED TO RESPOND TO MULTIPLE INCIDENTS OR TO CERTAIN CRITICAL INCIDENTS FOR WHICH THERE ARE PRECEDENTS IN THE WORLD TODAY. THE PRISON RIOTS IN ATLANTA, GEORGIA, OCCURRED WITHIN 48 HOURS OF THE PRIOR OCCURRENCE AT OAKDALE, LOUISIANA. THE HRT WAS ALREADY FULLY DEPLOYED AT OAKDALE AND UNABLE TO REDEPLOY OR SUBDIVIDE TO PROVIDE ATLANTA WITH THE RESPONSE IT REQUIRED. THE TALLADEGA PRISON UPRISING, WHILE ANOTHER EXCELLENT EXAMPLE OF THE HRT'S UNIQUE VALUE, DEMONSTRATED STARKLY FOR THOSE MANAGING THIS CRITICAL INCIDENT RESPONSE, THAT A REAL NEED FOR EXPANDED HRT CAPABILITIES EXISTS. DURING THAT INCIDENT, THE SHIFT OF A FEW MINOR VARIABLES MIGHT HAVE REDUCED OUR ABILITY TO RESPOND AND YIELDED AN ALTOGETHER DIFFERENT AND POSSIBLY TRAGIC, END TO THIS SUCCESS STORY. IN THE FACE OF ESCALATING VIOLENT CRIMES AND HEIGHTENED INTERNATIONAL TERRORIST ACTIVITY, THE HRT EXPANSION TAKES ON EVEN GREATER PROMINENCE.

TECHNICAL FIELD SUPPORT AND EQUIPMENT

ASIDE FROM THE FINGERPRINT IDENTIFICATION RESOURCES DISCUSSED ABOVE, ONLY ONE OTHER NON-INVESTIGATIVE PROGRAM WOULD BE INCREASED BY THIS BUDGET. THAT IS THE TECHNICAL FIELD SUPPORT AND EQUIPMENT PROGRAM. IT IS FROM WITHIN THIS PROGRAM THAT THE FBI IS LEADING THE LAW ENFORCEMENT AND INTELLIGENCE COMMUNITIES' TECHNOLOGICAL RESPONSE TO DIGITAL TELEPHONY. RESOURCES ARE ALSO INCLUDED

FOR TACTICAL OPERATIONS SUPPORTING ELECTRONIC SURVEILLANCE CAPABILITIES. THESE INVESTIGATIVE CAPABILITIES ARE CRUCIAL TO SUCCESSES ACHIEVED IN VIRTUALLY EVERY INVESTIGATIVE PROGRAM. CRITICAL EVIDENCE, THAT OTHERWISE WOULD SIMPLY BE UNOBTAINABLE, IS GATHERED THROUGH THIS TECHNIQUE. CONSIDERING THAT ELECTRONIC SURVEILLANCE CAN NOW ONLY BE EMPLOYED IN THE HIGHEST PRIORITY CASES, SIMPLY AS A MATTER OF ECONOMICS, ANY DIMINUTION OF OUR TECHNICAL CAPACITY NECESSARILY RESULTS IN LOST PROSECUTIVE OPPORTUNITY IN OUR HIGHEST PRIORITY CASES. BEAR IN MIND, THIS TECHNOLOGY DOES NOT INCREASE OUR ELECTRONIC SURVEILLANCE CAPACITY. RATHER, IT SIMPLY SEEKS TO KEEP EXISTING TECHNIQUES VIABLE AS THE TELECOMMUNICATIONS INDUSTRY MIGRATES TO THE DIGITAL TECHNOLOGY. THIS BUDGET WOULD OFFER \$17,704,000 IN FUNDING NECESSARY TO MOUNT OUR RESPONSE TO THESE ADVANCING TECHNOLOGIES.

SPECIAL PROGRAM

AT THIS POINT, I WOULD LIKE TO TAKE A FEW MINUTES TO ADDRESS SPECIFICALLY OUR \$80,000,000 SPECIAL PROGRAM APPROPRIATION REQUEST IN THE DEFENSE DISCRETIONARY ACCOUNT. THIS REQUEST INCLUDES 578 POSITIONS, OF WHICH 354 ARE AGENTS, AND \$71,100,000 IN BASE RESOURCES AND \$8,900,000 IN NEW FUNDING FOR THE DIGITAL TELEPHONY INITIATIVE IN THE FOREIGN COUNTERINTELLIGENCE (FCI) PROGRAM. THIS ADDED AMOUNT, IN ADDITION TO THE AMOUNTS MENTIONED EARLIER FOR TECHNICAL FIELD SUPPORT AND EQUIPMENT WOULD PROVIDE A TOTAL

OF \$12,704,000 IN 1993 TO FURTHER EFFORTS TO DEVELOP NEW TECHNOLOGIES TO ENHANCE TELECOMMUNICATIONS INTERCEPTION CAPABILITIES OF THE LAW ENFORCEMENT AND INTELLIGENCE COMMUNITIES. AS I NOTED, THE SPECIAL PROGRAM REQUEST REPRESENTS FOREIGN COUNTERINTELLIGENCE BASE RESOURCES. MORE PRECISELY, THOSE IDENTIFIED HERE ARE THE FCI RESOURCES COMMITTED TO NATIONAL SECURITY ISSUES IN OUR NEWLY DEFINED NATIONAL SECURITY THREAT LIST (NSTL) CONCEPT. THE INTERNATIONAL SITUATION IS VERY DYNAMIC AND POTENTIALLY UNSTABLE. THE FBI IS IN NO BETTER POSITION TO PREDICT THE DIRECTION OR OUTCOME OF THE CHANGING WORLD ORDER THAN IS ANY OTHER MEMBER OF THE INTELLIGENCE COMMUNITY. NONETHELESS, WE HAVE, AS OUR MOST SENSITIVE RESPONSIBILITY, THE OBLIGATION TO PROTECT CERTAIN CRITICAL INFORMATION. THE NSTL CONCEPT IS DESIGNED TO ENSURE THE SECURITY OF THAT INFORMATION WHILE REMAINING BASE FCI RESOURCES ARE DEDICATED TO ADDRESSING THE MORE TRADITIONAL THREATS AND OPERATIONS. IN ORDER FOR US TO FULFILL THIS IMPORTANT MANDATE WE MUST APPLY ALL OF THE REMAINING FCI BASE RESOURCES, IN BOTH THE DEFENSE DISCRETIONARY AND DOMESTIC DISCRETIONARY ACCOUNTS.

I HAVE OUTLINED THE PLAN FOR THE FBI IN 1993 AND THE FUNDING REQUIRED TO IMPLEMENT THIS PLAN ONLY IN THE MOST CURSORY FASHION. THIS BUDGET WAS FORMULATED TO ENABLE THE FBI TO FORTIFY COOPERATION AND COMMUNICATION AT ALL LEVELS OF LAW ENFORCEMENT, ENSURING THE OPTIMAL RETURN ON OUR INVESTMENT. ONLY THROUGH SUCH EFFICIENCY CAN WE HOPE TO

ESTABLISH A CREDIBLE DETERRENT TO THE PRESSING CRIMINAL
PROBLEMS OF THE DAY.

THIS CONCLUDES MY PREPARED STATEMENT AND I WELCOME
THE OPPORTUNITY TO RESPOND TO WHATEVER QUESTIONS YOU HAVE.

REGIONAL DRUG INTELLIGENCE CENTER

Mr. SMITH of Iowa. Regional Drug Intelligence Squads, how many do you have now?

Mr. SESSIONS. Mr. Chairman, I do not know the precise number. Can you tell me the precise number of Regional Drug Squads that we have, Mr. Potts?

Mr. POTTS. Yes, sir. We have eight in existence right now including Atlanta; Washington, D.C.; Chicago; Houston; Los Angeles; Miami; New York; and Phoenix.

Mr. SMITH of Iowa. How many new ones are you planning to set up?

Mr. POTTS. What we would do with these resources, sir, is try to add to the existing squads—

Mr. SMITH of Iowa. The new positions, then, are to add to those eight?

Mr. POTTS. To some degree, and then set up some others, depending on how many resources we get.

Mr. SMITH of Iowa. How many other places are there that you want to set them up?

Mr. POTTS. Sir, we would like to form at least four additional RDIS's. Again, I think a lot of it would depend on how many resources we are able to obtain, and our evaluation, now that we have these squads in operation, a year from now, where they would best serve us.

Mr. SMITH of Iowa. Well, how many areas do you feel are not being appropriately served at the present time?

Mr. POTTS. Well, we can certainly add to the East Coast, and to the South.

Mr. SMITH of Iowa. What was that, now?

Mr. POTTS. To the East Coast, and the South. We have the Southwest border covered fairly well with these squads.

Mr. SESSIONS. There are other agencies, Mr. Chairman, that participate in those Regional Drug Intelligence Squads. They are the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Customs Service, and the Immigration and Naturalization Service.

And the importance to us is that these Regional Drug Intelligence Squads feed intelligence that all of us can use and will be part of what is fed into the National Drug Intelligence Center. It is extremely important that this capability be nationwide so that we have that kind of intelligence about major drug trafficking organizations necessary to deal with them.

Mr. SMITH of Iowa. Part of my question has to do with the number of agencies involved. If you are going to set up a new one, you have to get all of the agencies involved at the same time. What are your problems on coordination in setting these up?

Mr. SESSIONS. Always, with the sharing of intelligence between the FBI and the DEA, it is a matter of continued day-by-day coordination. The coordination never stops. The potential for slippage never stops. But the effort to be sure that we do have that coordination also never stops.

And the regional drug intelligence capabilities, that is with those squads, is an absolutely essential underpinning to the National

Drug Intelligence Center. The NDIC is now authorized and the FBI shares the responsibility as one of the lead agencies in forming the National Drug Intelligence Center so that every one of the agencies, including those that work on the Regional Drug Intelligence Squads, can have access to that information, or be provided a means to have access to it.

Mr. SMITH of Iowa. These various other agencies that need to be involved, are they asking for the same number of new regional squads?

Mr. SESSIONS. I do not know about—

Mr. SMITH of Iowa. Are you on target with others, or do you know?

Mr. SESSIONS. I do not know, but I would suspect that they might well be, because it is obvious in the effort to ensure that we have a National Drug Intelligence Center capability that they would have an intense interest in being sure that the intelligence that both flows in and flows out from that Center is available to them.

COORDINATION OF REGIONAL DRUG INTELLIGENCE SQUADS

Mr. SMITH of Iowa. Well, I guess my question is, has this been worked out with INS, DEA, and all the others about how many new regional squads you want?

Mr. SESSIONS. That has not been worked out, but it is a matter of continuing coordination. That is, and they are involved in the planning in connection with the National Drug Intelligence Center. Of course, under the general leadership of the FBI, the DEA and the Department of Defense will have very direct and immediate involvement in it and a continuing involvement.

The Treasury Department will have a direct and immediate involvement in it, and those are two of the main agencies which are intensely interested in the drug intelligence capability.

Mr. SMITH of Iowa. Well, I am still a little bit at a loss here. Is there a plan for a certain number of new regional squads that has been coordinated with the other agencies that are going to be involved, and is it reflected in their budget request?

Mr. SESSIONS. I do not know whether it is reflected in their budget requests or not. They are aware of our moving forward with additional resources for Regional Drug Intelligence Squads; yes, sir.

Mr. SMITH of Iowa. What have you done about planning together on this?

Mr. POTTS. Sir, what we have done in terms of the OCDETF—this is an OCDETF function—we have put these squads primarily in the OCDETF core cities. That is the Department of Justice's decision which we concur with and the other agencies concur with.

Mr. SMITH of Iowa. But all of these agencies that are involved are not under the Department of Justice?

Mr. POTTS. That is right; yes, sir. However, we have taken the responsibility for the leadership in establishing these squads. We have invited all of the other agencies to participate. And, as an example, in Los Angeles, we not only have some Federal agencies participating, but we also have 47 different local and State law enforcement agencies throughout the metropolitan area who are participating and providing intelligence into these squads.

Since it is an OCDETF function, if we are going to service the major OCDETF cities, I think that would be our first priority.

Mr. SMITH of Iowa. With regard to the eight you now have, what are the principal problems you have with getting coordination with the various agencies? Are you having any problems with IRS, for example?

Mr. POTTS. I am not aware of any problems that we have had with IRS with regard to these squads, no, sir. I think we have a good working relationship.

Mr. SMITH of Iowa. If they are reimbursed for their time, it would make a lot of difference.

Mr. SESSIONS. For instance, Mr. Chairman, I met yesterday morning with the new Commissioner of the IRS, and I met regularly with the former Commissioner of IRS, to be absolutely certain that, in any area, undercover operations, regional squads, any of these where we interface with the IRS, there is complete, full cooperation.

Mr. SMITH of Iowa. They are key to this; aren't they?

Mr. SESSIONS. They are extremely important in that, as is DEA, as is INS, in those things which relate directly to their programs. And, it is essential that you talk about any of those problems and raise them to be sure that if you have them, the frictions are minimized.

SHIFT OF FCI RESOURCES

Mr. SMITH of Iowa. About the foreign counterintelligence (FCI) program, what are your thoughts now about changing it? You are planning to shift agents, so what are your thoughts for the future on that?

Mr. SESSIONS. I might go back to 1989, Mr. Chairman, because it was in 1989 that I undertook to examine the foreign counterintelligence effort in our Intelligence Division and shake it completely up by examining every single facet of the FCI effort. It was my intention to be sure that we had a mechanism that allowed us to identify and to meet any foreign counterintelligence threat wherever it came from.

And although these are things that were discussed fully with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, the objective was to be able to identify those areas of threat and by doing that, to manage our resources better.

What happened as a result was during the last year, we saw the diminution of and, in some instances, the cessation of intelligence activities against the United States in this country, where our responsibility falls. And, as a result of that cessation or diminution of activity, we were able to take foreign counterintelligence Special Agents who were allocated to that response, and, because it is stopped or diminished, actually utilize them for other purposes. That was the source of the reprogramming action.

That is where the agents came from. Had we not devised a National Security Threat List concept, had we determined that activity had either stopped or diminished, we might well not have been able to proceed at that early stage.

So the National Security Threat List concept is the one which we targeted. And, I have said several times, publicly and privately, that I am confident that if we miscalled the shot, that is if it cranks up again, that the Attorney General would support the FBI in the request to reprogram those agents back into a foreign counterintelligence responsibility.

What I foresee is that we are on zero right now. That is, we have gone as far as we can go, including that reprogramming and what we are planning to do in connection with the 1993 budget.

CHANGES IN INTELLIGENCE-GATHERING ACTIVITIES

Mr. SMITH of Iowa. You don't foresee further reduction in requirements, then?

Mr. SESSIONS. Yes, I really do foresee a further reduction at some time, personally. I would expect it to happen, because we are finding that nations do become more cooperative. As they do, particularly with law enforcement cooperation and law enforcement services that intertwine between the United States and those other nations, they are willing to cut down on their intelligence gathering activity. [——.]

So, I foresee that we will get further dividends, that we will find some of these areas where these people will, in return for good will, strong law enforcement cooperation, training opportunities, et cetera, will be willing to actually cut down on their intelligence activities. But I don't know that. And I do know that there are multiple targets out there that are available for them now. [——.]

Mr. SESSIONS. They have said publicly that they intend to continue their intelligence-gathering efforts.

Mr. SMITH of Iowa. Is that for commercial purposes?

Mr. SESSIONS. I think it can be in military, industrial, commercial, technological, and computer-related technology capabilities. I think that they will continue their intelligence-gathering efforts in all of those areas where we have proven, by our technological capability, to demonstrate a kind of capability that they would want to have.

And, even though it is over a year past, we all stood in amazement and watched in amazement with the technological capability demonstrated in Desert Storm. It was astonishing to us.

Well, that technological capability happened to be translated into military efforts. But, of course, the other efforts that are of great interest to them are computer software, or computer industry capability, or any kind of technology that is related to health care, or other services we provide in this country.

So, I believe we are going to continue to face that kind of effort of intelligence gathering in this country. I will be glad to provide you a briefing on the activities of the Commonwealth of Independent States if you would like that, so that you will be aware of the nature of their activity.

Mr. SMITH of Iowa. Mr. Rogers?

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Director and staff, good to see you again.

Mr. SESSIONS. Good morning. Thank you, sir.

NATIONAL SECURITY THREAT LIST

Mr. ROGERS. Continuing on that same line a moment, in addition to the counterintelligence work relative to the former Soviet Union, are there other types of counterintelligence activities that you are engaged in? I am trying to focus on other nations outside the Soviet bloc that pose a threat, either commercially, militarily, or otherwise.

Mr. SESSIONS. Well, there are a number of those that continue unabated, the same kinds of activities that they have been involved in for a number of years.

And again, those things are the kinds of areas where they are either in the surrogate capacity, gathering for other countries, or directly for themselves. And yes, those activities continue along the same vein.

Mr. ROGERS. Can you be more explicit?

Mr. SESSIONS. As to the threat itself?

Mr. ROGERS. Yes, or who is involved? Are these some of our so-called friends?

Mr. SESSIONS. Yes, yes. In our national security threat list concept, there are both former hostile countries and those that would be considered to be among our friends. And, in that area, I would be pleased to provide those in a briefing to you to show you those countries that are on that tier of the national security threat list. [—.]

On the National Security Threat List, our criteria for selecting these particular countries are to observe the level of intelligence or terrorist activity; the nature of the target, that is, the targeting by their intelligence people or by terrorists; what capability that country or entity has to actually successfully carry out that targeting operation; and the political, military and/or economic alignment with the United States. [—.]

A National Security Threat List is, in my view, Mr. Congressman, the most important aspect of it, because it is that which allows us to target specifically what they are seeking.

The foreign intelligence activities involved are active measures that we are able to perceive, planned activity in the United States, collection of U.S. critical technologies, collection of national defense information, collection of U.S. and industrial proprietary economic information or technology, information concerning the proliferation of special weapons, and finally, the targeting of U.S. intelligence and foreign affairs information, or information on U.S. Government officials.

Now, that short list can be expanded to accommodate whatever threat there is against our national interests. So, I do believe that by targeting those areas, we are able to see the threat as it actually exists against national interests of the United States.

COMMERCIAL INTELLIGENCE

Mr. ROGERS. Are we seeing any increase or decrease in what I will call commercial intelligence?

Mr. SESSIONS. These interests against commercial operations, I think, will become more and more intense as resources that might be normally targeted against the acquisition of military informa-

tion are reprogrammed into the other areas. I cannot speak specifically to what is now happening in terms of that specific targeting. [——.]

HEALTH CARE FRAUD

Mr. ROGERS. Now, the second largest program increase you are asking for is 225 positions for the White-Collar Crime program.

Mr. SESSIONS. That is correct.

Mr. ROGERS. There is a big increase, of course, to combat health care fraud. Who are we going after here? Are these doctors, patients, technicians, or what?

Mr. SESSIONS. There are several different areas in the health care fraud area. There are the doctors who are mis-billing; there are institutions that are mis-billing; in the pharmaceutical area, there are the dealings in generic drugs, and the circle of fraud that which surrounds the dispensing of drugs by doctors under prescription that into the ultimate circle of going to the street, being sold, brought back in and actually re-sold again to the people who originally distributed them.

In other words, there are several circles of that type. But specifically, we are addressing false billings by physicians, generic substitutions and kick-backs by pharmacies, false cost reports by hospitals, and kick-backs by health maintenance organizations.

Again, I think the most impressive single estimate is the industry's estimate itself, that out of the \$700 billion spent last year, between five and fifteen percent involve significant fraud. And, with the growth of the health care industry, they say that, by the turn of the century, it will be at a trillion dollars. I don't know if that is correct or not, Congressman, but that is what they say.

So, there is a fertile field for plenty of fraudulent activity, and it is a concern.

Mr. ROGERS. Well, let's say it is ten percent and you are able to eradicate ten percent, that is \$70 billion. Do you anticipate seeing similar types of activity in the medicaid, medicare public monies, as well?

Mr. SESSIONS. Wherever we would find that kind of practice that are in those areas, that is of billings by physicians, generic discussions and kickbacks by pharmacies, false cost reports by both doctors and hospitals, and kickbacks by health maintenance organizations, yes, you would—it would affect both areas.

Mr. ROGERS. We are talking about such a huge and extremely complex bookkeeping investigation here, how can you expect that this small a number of new positions would even make a dent in it?

Mr. SESSIONS. I think you are exactly right, and if you want to enhance it, that would be fine. The point is, it is a beginning, Congressman. It is something we have seen and it is there. The definitions of the types of frauds that you see reported in the newspapers and on television repeatedly, people who simply shrug off any effort to slow down their activities is what concerns us.

They are arrogant about it, they are very open about it. They don't seem to have what we would normally associate with a criminal mentality response. They just do it. So, I would say, any effort

that we can make towards it can give us plenty of return for our investment.

Generally, in white collar crime, our return on our invested dollar, budget-wise, is four-to-one, if you don't consider the possible savings in lost economic value. If you did consider lost economic value, it would be double that. Seven-to-one, eight-to-one. But four-to-one, the return on our dollars, is a pretty good return.

Mr. ROGERS. On the subject of health care fraud—are these individuals, or is there information to indicate there is an organized effort?

Mr. SESSIONS. Both. You are asking me to analyze it without having seen the product of our effort. But, I would suspect that much as we have seen with other investigations, such as bank fraud and embezzlement and savings and loans, many of these people do, in fact, act alone, but they also act through organizations. They put together groups of people who have criminal intent, and they manifest through what we see here. It is a process that is known by the people inside and they carry it out.

Mr. ROGERS. I have other questions, however, I will reserve them for another round.

Mr. SMITH of Iowa. Mr. Regula.

Mr. REGULA. Thank you, Mr. Chairman.

I would ask unanimous consent to put most of my questions in the record.

TOTAL QUALITY MANAGEMENT

Mr. REGULA. Mr. Director, I know you have put a lot of effort into total quality management to try to make the Bureau more efficient in the use of dollars, and I would be interested to know what success you are having and how this is achieving some efficiencies.

Mr. SESSIONS. Beginning back with the month immediately after I became Director in 1987, it seemed to me that the decision-making process in the Bureau had been allowed to float upwards. And when it floats upwards, it means that everybody simply checks off and somebody eventually makes a decision. And I don't mean to slander people down in the Bureau, you understand, but it was just my observation that the decision-making process, where we could, needed to be forced down. This is long before I heard of Total Quality Management.

I am slow on the uptake, but I had not heard of that concept. I was not aware of the successes of Xerox, and the successes of General Motors, and the successes wherever they found it. But it seemed to me that if you could involve more people at a lower level in making decisions and being intimately involved in what they were doing, with the final decision subject to oversight and supervision, that you invigorated the entire agency, you invigorated those people involved, because they were responsible.

In fact, that has begun happening. About two years ago, we just put out on the table the TQM concept to see who would pick it up, to see who would run with it, and there are several divisions within our headquarters that have picked it up and that have had tremendous revitalization in their divisions. So, even though TQM

is generally expecting tremendous results on down the line, four or five, six years, we have already had the manifestations of that.

One of the people who is here this morning is Norm Christensen, who is head of the Information Management Division. He will now be the new head of the Criminal Justice Information Services Division, in no small part because of what has been demonstrated by his energies in making TQM a fact of life within that division.

So, the results, not only in terms of dollars, but in the involvement of people and the challenge to people and the involvement of all processes and the betterment of endless numbers of things has taken place in that Division and in other divisions such as the Laboratory Division, and the Administrative Services Division. These people are moving in these things with great energy. In the field, we will also begin to see more activity, but the Executive Conference of the FBI, back at its late fall meeting, voted to support the Director on TQM from the top down.

We are now in the process of structuring that TQM program. It will, in fact, be in every single element of the FBI. I can anticipate that if we are, if we are not unlike, for instance, Xerox. It took Xerox six months to even plan its program and it took six years to see the product. But, that was a company where they were concerned with the profit margin. David Kerns told us when he spoke to the FBI Executive Conference that their product, which they were selling, was sold by competitors for less than they, Xerox, could manufacture it.

When they revitalized, of course, they brought themselves back into commercial viability. I think there is not a single area of Bureau operations that will not be enhanced and affected by TQM. It is totally compatible with what I envisioned in the first place. It means involving all sorts of people in the effort, wherever it is, whatever the division.

Mr. REGULA. Thank you. Thank you, Mr. Chairman.

ORGANIZED CRIME

Mr. EARLY. Thank you, Mr. Chairman.

Mr. Director, would you say that the most successful effort of the Bureau, during your tenure and over recent years, has been its attack on organized crime?

Mr. SESSIONS. I think organized crime and what the Bureau has done with it, particularly since the inception of the RICO statute, both the civil and the criminal provisions, has been a significant victory for the FBI. It is not a complete victory, but we have had tremendous success.

Mr. EARLY. I agree with that. Do you think the Bureau's automation played a significant part? The most impressive use of automation has been its use by the FBI in its attack on organized crime.

Mr. SESSIONS. I think automation has played a significant role. You may have seen demonstrated the capabilities of the systems into which we are able to load all the information, make it immediately available without having to go back through the paper files to show not only a single family's operation, but the networks of relationships that support that family's operation, yes, sir.

Mr. EARLY. Do you think it has been extremely important, since the Bureau is really the only agency focusing on organized crime?

Mr. SESSIONS. You mean the battle against organized crime?

Well, it is a priority. It has been a priority.

Mr. EARLY. The FBI is the only agency that is really involved in that, and that is why I think you have had such tremendous success. I have a lot of trouble with your budget request, Mr. Director.

I think you are becoming just another police force.

But that is just my own opinion. You are getting broader and broader. You did such a great job on organized crime. I don't think we have had nary the success on drugs, because we haven't had that coordination and focus. How do the activities of the Regional Drug Intelligence Squads differ from those of DEA's EPIC, Treasury's FINCEN, or the RISS program?

Mr. SESSIONS. I can tell you that ours are tied to the National Drug Strategy. The National Drug Strategy is about as direct and about as well-defined as you can make a national drug strategy. It is to attack major drug trafficking organizations with long-term investigations that are designed to use the capabilities that we have, those to which you referred.

And when you do that, Mr. Congressman, what you have is the REI, which are the racketeering enterprise investigations, that precede the attack upon a particular drug organization. Our responsibility is to attack only those major ones under our National Drug Strategy. The intelligence that we gain is absolutely critical.

Mr. EARLY. My reservation, Mr. Director, is with regards to your comments that the FBI's role is coordination and cooperation.

Mr. SESSIONS. It is, in fact.

Mr. EARLY. I agree with that. One of your agents in back of you responded to the Chairman's question about where the Bureau has these drug squads, that you don't have enough in the northeast and the south. Why wouldn't the people be getting a better shake if there was some coordination with those other task forces.

Put your intelligence squads in the regions they are in, EPIC and FINCEN, and the others that you don't have covered?

Mr. SESSIONS. With FINCEN, their prime objective is to deal with financial intelligence, such as aspects of money laundering. With EPIC, it is basically tactical information aimed at the interdiction effort.

The National Drug Intelligence Center, which is critical, and now being formed, will give us the information that is what I would call strategic in character. That is, those elements, based upon the racketeering enterprise investigations that will tell you about all aspects of the operation of that particular drug operation.

AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

Mr. EARLY. I know all those things, Mr. Director, but I am trying to make the point about cooperation and coordination. All the Justice Department agencies come in and use the same statistics, such as the amount of crime that you told Mr. Rogers was in the health care industry. Everyone is focusing on what they save when they concentrate on that.

I just don't think that the coordination has been there in the drug war. When Mr. Bennett was there, he was going to coordinate this, and he was going to do that; I don't think many of those things got done.

Mr. Director, the FBI has done such a good job in organizing the effort against organized crime because you were the sole agency responsible. Let's go to the fingerprint program.

Mr. SESSIONS. Yes.

Mr. EARLY. Because I was impressed to see that the Bureau is putting 64 percent of its increase into automated fingerprint identification. That is where I think the Federal government is most important to the States and especially to the cities and towns.

My cities and towns really need the FBI's help in attacking crime. How long does it take, Mr. Director—you are asked this question each year—for a master fingerprint identification by the FBI?

Mr. SESSIONS. On a criminal matter, it can take anywhere from ten weeks to ten months, I guess.

Mr. EARLY. The criminal might die of old age. [Laughter.] A couple of years ago, Mr. Director, we were being told we were going to have same-day results.

Mr. SESSIONS. When I came into the FBI, the very first thing I talked about in the spring of 1988 was precisely that.

Mr. EARLY. I know it was.

Mr. SESSIONS. That was the expectation.

Mr. EARLY. When you come up here, you talk about it.

Mr. EARLY. I think you have to be the organizer, the trainer, doing all those things. So, the money that the Bureau has requested will let you get to that one day response on fingerprint identification, Mr. Director?

Mr. SESSIONS. The trip between where we were in the spring of 1988 and where we are today is basically rooted in what existed already in 1988. At the time I testified back then, Mr. Early, there were already 17 automated fingerprint identification systems around the country. These were in States and localities; they were not tied together; they couldn't talk to anybody and they couldn't talk to the Bureau. Ours was mostly manual.

The system you are talking about was manual. Today, there are 34 of those systems. The AFIS, that is the FBI's automation initiative, is designed to take and tie together all of those existing systems in some phase or some part to be sure that we don't take ten weeks or 70 days to get a response. Instead, we will actually have an electronics speed capability to respond, so that a magistrate sitting down in Tucson, Arizona, with a person before him, can have that criminal record and that fingerprint record and know what he has got.

And, I believe deeply, that what we will have then is a national capability to deal with violent crime and to deal with other crime, because of the identification capability.

You are right on target. To be able to do that is a fundamental obligation of the Bureau. This committee has backed the FBI in the program enhancement,

Mr. EARLY. Mr. Director, I think we now know where it is going, it is going out there, you are in the process and we will get to a

conclusion. That is what I want to get to. That is what I see as one of the roles of the FBI. I also see the role of the FBI as being much more involved in training than where this budget takes you.

Mr. SESSIONS. I agree. And I hope, Mr. Chairman, when I come back for my last hearing before this committee in the spring of 1997 that I am able to say that system is on line and is doing what it is designed to do.

BANK FRAUD

Mr. EARLY. I have problems with your statement with regards to banks, Mr. Director. This Member does not think we would have ever had the S&L fraud to the degree we have it if we had kept the FBI's role or focus more narrow. You would have detected this much earlier.

The Agency is good, but it is getting to broad, and we are hurting ourselves, Mr. Director. In your statement, you say the FBI has 733 bank investigations underway now, and another 4,300 that exceed \$100,000 that the Bureau is about to undertake.

The truth is, we are not investigating fraud under \$100,000 in banks in some States, isn't it, Mr. Director?

Mr. SESSIONS. There are some.

Mr. EARLY. Outrageous.

Someone can embezzle up to \$90,000 and say I am going to get a new job.

Mr. SESSIONS. One year when I was here, 1989, I was testifying about the circumstances in Los Angeles alone where there were 17,000 matters waiting to be referred. It is a tremendous problem. You are correct when you say that we must concentrate on those major cases, \$100,000 and above.

Mr. EARLY. You asked for 50 agents. What are 50 agents going to be able to do with that type of increase, Mr. Director?

Mr. SESSIONS. The increases that you have given us in response to the S&L crisis have been used well, and I think their contribution is significant. I expect that when somebody says to me, Director Sessions, what can 300 agents do with violent crime in America, how can you expect 300 agents to make an impact when 550,000 police officers haven't been able to handle it, that my answer is, the Federal capability to charge with Federal crimes, the building of task forces which include not only FBI, but all those people will have an effect on violent crime.

NATIONAL ACADEMY TRAINING

Mr. EARLY. You've got the expertise. Wouldn't you be better off increasing training programs?

Mr. SESSIONS. We do a lot of that.

Mr. EARLY. Not enough of that.

Mr. SESSIONS. I would like to get back to the 1200 level of training police officers in our National Academy. We are right at a thousand and we are building back, and I hope we are able to do it in the future.

Mr. EARLY. That is going to be a joint effort under DEA and FBI.

Mr. SESSIONS. The FBI Academy at Quantico will remain the FBI Academy at Quantico. The Department of Justice is proposing the

Department of Justice entity that will be on the adjoining acres. That will be DEA.

SCOPE OF FEDERAL CRIMES

Mr. EARLY. Do you consider murder a Federal crime?

Mr. SESSIONS. I sure do, if it is involved in the Federal area.

Mr. EARLY. Justice Scalia testified about this before the Committee. I am not trying to put you at odds with him. You can't do everything. You are going to be just another police department.

Murder comes under the FBI.

Mr. SESSIONS. We agree, and I am sure Justice Scalia does agree, if it is on a Federal installation, it does become a Federal crime, yes. And we do have the responsibility under the law as it exists now to attack it. That is no choice of ours.

PROPOSALS TO IMPROVE NATIONAL ACADEMY TRAINING

Mr. EARLY. Let me get to training, because that is what I want to see more of. Your statement emphasizes cooperation and assistance to State and local enforcement.

Among the services cited are forensic services and National Academy training. To what extent will the FBI be able to continue to improve National Academy training opportunities for State and local law enforcement in 1992 and 1993? Would you be brief?

Mr. SESSIONS. Yes, I will try. We have struggled with that, and you know that I have been in the process of constantly trying to build those numbers up, and they are up around a thousand now. We will continue to do that. I have made the commitment to all of the major agencies, the International Association of Chief of Police, the National Sheriff's Association, anybody else who would listen, not only in the United States, but in the area where we have international training in those particular classes.

Mr. EARLY. That is a thousand for how long, Mr. Director?

Mr. SESSIONS. Mr. Brixey showed me that actually in 1991 we had 990. There was a time when it was 1,200.

Mr. EARLY. For a whole year, Mr. Director?

Mr. SESSIONS. Yes.

Mr. EARLY. That is not 200 a State.

Mr. SESSIONS. No, it was 1,200 for the whole National Academy back in the mid-1980s before we absorbed DEA into the FBI Academy at Quantico. But, the point is that we are intent upon enhancing that effort wherever we can and every time we can. Funding is extremely important to us.

Mr. EARLY. Has there been any increase for State and local law enforcement for forensic services?

Mr. SESSIONS. Yes.

For instance, with the DNA capability, when we kicked off the DNA capability in 1987, right after I became Director, it was part of the program that we would incorporate the standardization of training, the standardization of laboratory techniques, procedures, capabilities, probes, legal basis, all of that. And we have now trained, I think, in excess of probably 350 state laboratory people. In addition, we continue to work with the visiting scientists and all of those laboratory people as well as the users of DNA capability.

So that it is now basically standardized in the United States, principally as a result of the FBI's effort.

NEED TO PRIORITIZE FBI RESPONSIBILITIES

Mr. EARLY. I don't think there is nearly enough in your budget to do that, Mr. Director.

On welfare fraud, I listened very carefully to what you said to Mr. Rogers. There is an appropriation request for the Inspector General in this area. Isn't the Inspector General supposed to investigate these matters, and when he finds criminal activity, turn it over to you?

Mr. SESSIONS. That is correct in some cases.

Mr. EARLY. Wouldn't we be better off—we are having you do everything.

Mr. SESSIONS. My belief, Mr. Early, is that certainly in our inspection process within the FBI because we are basically involved with operation of our own personnel, and not outside programs, that the FBI, if its Inspection Division carries out meticulously and carefully what its responsibility is, then there should never be a need for an Inspector General within the FBI. Now, as to the referrals that come from the Inspector General dealing with fraud, mismanagement and waste, if there is criminal activity there, yes, I believe they should be, as is contemplated, referred to the FBI.

Mr. EARLY. The Bureau is a good agency, and now we are going to turn it into just a police department.

Mr. SESSIONS. Prioritization within our area of responsibility is critical because of exactly what you are driving at.

If we did not prioritize among the 270 statutes and responsibilities that we have, we couldn't begin to do our work. But we have prioritized and we are able to zero in on those things that we must respond to. Whether we can respond adequately always depends on funding.

Mr. EARLY. It is tough to write a short book; you are writing too big a book. You are expanding. You say you want to prioritize, but you are being forced into everything, Mr. Director.

Mr. SESSIONS. Well, you are correct again in the sense that, in 1989, when I named violent crime an FBI priority, I did it because violence was so often involved in Federal crimes that we were investigating. The same as in 1987 when drugs were named as a priority, it was because drugs was involved in so many of the investigative efforts that we were undertaking. Either you did it or you let it go. Then, the priority question zeroes you in.

The priority gives the resources to that particular endeavor. And it is critical. And I appreciate your attention to it. Because unless you prioritize and fund, we can't do it.

Mr. SMITH of Iowa. Mr. Kolbe.

VIOLENT CRIME/FCI REPROGRAMMING

Mr. KOLBE. Thank you, Mr. Chairman.

Director Sessions, good morning.

Mr. SESSIONS. Good morning.

Mr. KOLBE. I want to ask a couple of questions on the foreign counterintelligence reprogramming. That is a fairly dramatic re-

programming that you are asking for, probably one of the most broadest, most expensive, certainly, I think, in my experience on the subcommittee.

Mr. SESSIONS. Yes, sir. Probably one of the largest we have ever been involved in.

Mr. KOLBE. Yet in your comments, your written testimony, even more particularly in your oral comments, you suggested that there are an awful lot of countries still on the threat list.

You are talking about a decrease of 667 positions in foreign counterintelligence activity. How is that going to affect your foreign counterintelligence effort?

Mr. SESSIONS. My first inclination was to wring my hands, and I would have wrung my hands and held my head if I hadn't been so confident that our Intelligence Division, under its new National Security Threat List concept, would be able to zero in with precision on what would allow us to do what we did.

That is why I testified as I did. The confidence I had in the reprogramming was and is extreme. I am very confident we are on target. But, if I am miscalculating, my working with the Attorney General gives me comfort that he will say, we agree with you, you miscalculated, these resources need to go back and be reprogrammed into the FCI. [———.]

Mr. KOLBE. Well, they found at least one other opening for somebody in their new foreign intelligence service, the one that we met with, the new director, Mr. Primakov who was accompanied by his press spokesman and his new director of public relations, I think positions they didn't heretofore have in the KGB.

Mr. SESSIONS. They are important. I guess we were all astounded when the Library of Congress, when Jim Billington, went over and actually had access to the Communist party records.

Never thought that would happen.

NATIONAL DRUG INTELLIGENCE CENTER

Mr. KOLBE. Extraordinary.

Mr. SESSIONS. Changing the subject to the National Intelligence Center, which you describe on page 96 of your testimony, you say will allow agencies at all levels to share drug traffic intelligence and thus work in concert against common targets.

Mr. SESSIONS. Yes.

Mr. KOLBE. Can you tell us a little bit more about this NDIC?

What is its function really going to be in a little more detail, perhaps?

Mr. SESSIONS. Its function is described in its title, National Drug Intelligence Center. The Attorney General named the FBI in the last 60 days to head up that center, but it will be involved at levels immediately below the Director, with the Drug Enforcement Administration, Treasury, and the FBI having major, major functions. It is designed for strategic intelligence that is generated from the kinds of activities that I described with the Racketeering Enterprise Investigations that are the basis for our attack against any drug operations.

When you do that, you are not looking at tactical information about what boat is moving where or what type of activity is in-

volved with an airplane taking off from Colombia. You are looking at the destruction of the organizations. The type of intelligence that would give the DEA and the Treasury and the Customs and the IRS and the Coast Guard, any of these people that are concerned about strategic intelligence, the ability to have it about the organizations.

There is a difference between that and EPIC, although EPIC will obviously be a feed source, and other agencies, as the Chairman mentioned, will obviously be an integral part of that.

Mr. KOLBE. That is what I was trying to get at with EPIC. This is going to be FBI-owned and operated, so to speak?

Mr. SESSIONS. FBI happens to have been chosen to have an employee be the director of it. It could have just as easily been the DEA that actually headed it up. But we happen to sit in the chair. The cooperative nature of NDIC is absolutely certain, and the full involvement of the DEA and the other agencies in it is certain.

FUNDING NDIC

Mr. KOLBE. Funding for its operations will come from shared budgets or the FBI budget?

Mr. SESSIONS. It will come in part from FBI, and I am sure from other budgets, as well.

Mr. KOLBE. Those details have not been worked out as to how they will cooperatively share their budget?

Mr. BRIKEY. Right now it is being funded out of the DOD budget to the tune of \$40 million, and, as it stands right now, the best we know, into the future. But I think there have been many meetings with the subcommittee staff trying to work out the funding into the out years.

But right now, it is funded wholly from the Department of Defense.

Mr. KOLBE. Will this be a cooperative effort, just among Federal agencies, or also State and local.

Mr. SESSIONS. It is a Federal National Drug Intelligence Center, but the results of it, I am sure, are shareable in our efforts wherever we involve Organized Crime Drug Enforcement Task Forces. Intelligence will flow out to the agencies and naturally other entities that are participating in the task forces.

But it is a Federal effort, that is correct.

INTELLIGENCE SHARING WITH STATE AND LOCAL AGENCIES

Mr. KOLBE. But you do anticipate the intelligence information could be shared with other agencies, State and local, law enforcement agencies?

Mr. SESSIONS. I would anticipate that.

Larry Potts may have, as head of the CID, some direct knowledge about how that will be shared.

Mr. POTTS. Absolutely. We would anticipate that all agencies, we would hope that local and State agencies, certainly part of their intelligence base, would become a part of NDIC, and we would certainly disseminate information to them that they need. They could come in and request certain information, for instance, on a gang that may be operating in their city or their territory or informa-

tion on a drug dealer, major drug organization in their city, and we would provide that to them.

Mr. KOLBE. The success will depend on them also putting their data and intelligence information into the system.

Mr. SESSIONS. That is true. That is true.

Mr. KOLBE. Excuse me for being ever so slightly skeptical. My experience here, and before I came here, including six years on the Judiciary Committee in the State Legislature, is that we have had nothing but trouble with these cooperative intelligence efforts. How we get past the suspicions of agencies for each other and their desire to keep their information to themselves, and their uncertainty about whether to share it? I don't know how we deal with that, but it seems to me to be an ongoing problem that I am not creating NDIC solves.

Mr. SESSIONS. You are perceptive; and in my opinion, you are on target. It is an every day occurrence. But you would expect that to happen.

And the kind of cooperation that results in sharing means that you must have responsible sharing. So, for instance, if you tell me, Bill, I am going to give you this information, but I want you to use it compatibly with this agency's directives and this agency's procedures, then that is the way I receive it. Otherwise, I would not have it. But the sharing of it and using it responsibly, compatibly as the basis upon which you gave it to me is important.

The FBI is no stranger to this. In the international terrorism area or the foreign counterintelligence arena, we share information with a lot of other countries and with a lot of other people. We gain information and use it compatibly with their directives, and they, when we give information use it compatibly with whatever requirements we set.

The same thing has to happen in the drug area. Everybody, unless you work at it day in and day out, naturally is concerned about giving intelligence information that they have. The concept of NDIC, I think, is very solid, because it gives you the ability to attack what I consider to be the major target of the FBI's effort and should be a major national target, that is, the drug distribution networks, the money laundering networks, the financing networks, the distribution networks, the major enterprises, not just the guy selling drugs in the street. That is the Federal need, and that is the Federal capability.

And I think, The National Drug Strategy of the FBI is right on target. The National Drug Intelligence Center, in concept, is right on target. But you will have to work at it constantly.

ADVANCED DIGITAL TELEPHONY

Mr. KOLBE. Mr. Chairman, one other area that I would like to ask a question on. The recent news reports about the Federal Bureau of Investigation, have said the FBI is urging telephone companies to cooperate to develop the technology that will allow you to continue the wire tapping operations that you do today. I think there is no doubt you have got a hard sell in this body. I happen to believe that wire tapping in certain circumstances is very legitimate for you for your kinds of investigations. I support that entire-

ly, and I think the safeguards we have built into the system have worked and are very good ones.

But what is fundamentally different about this is that you are really asking the telephone companies to withhold the use of legitimate new technology or to restrict technology or to redesign it at the expense of consumers.

I understand the need for your side, but that is a tough thing to ask telephone companies.

Mr. SESSIONS. I don't find it a tough question to ask at all, and I think—

Mr. KOLBE. At their expense.

Mr. SESSIONS. And I think the question that you asked is compatible totally with the Congressional intent. In 1968, with the Title III authority that was given by the Congress that has been used historically by the FBI and other agencies extremely well and extremely carefully under judicial oversight, very, very meticulous oversight, we have been able to do what we could not have done without the capability.

And all I ask now is simply to be allowed to stay even.

Mr. KOLBE. I understand.

Mr. SESSIONS. Once we were ringing up on the phone, that technology is now long since gone. Once we were still dialing the dial, that technology is gone. When we go into the digital technology if we don't have the capability to stay even, we might just as well be back there on the hand ring.

The point is, all I am asking is to stay even. All I am asking is to have that access. As to cost, we estimate if we do it now, if the Congress says, yes, FBI, yes, you are to be allowed to stay even with the technology, that the estimated cost is between \$230 and \$250 million.

I saw an article in the morning paper talking about a billion dollars. Well, if we wait forever, it may well be a billion dollars. But if we don't, if we do it now, that cost of conversion for the 150 million or 175 million users in the United States, if you take a cost of \$250 million to \$1300 at the outside, you are talking about two dollars a customer over a couple of years.

I don't have any problem with it at all. What I do have a problem with is that, if the Congressional intent is to give the capability to law enforcement to tap and to electronically do these things, then if that is the intent, it should not be eroded. You should allow us to stay even, not get ahead, but stay even. And that is what this legislation would do. I am reminded that there were 248 wiretaps on the Title III side; that is the criminal side. There were a number on the foreign counterintelligence, and he says that there are in the neighborhood of 200 taps by other Federal agencies that are involved.

NEED FOR NEW DIGITAL TECHNOLOGY

Mr. KOLBE. Well, again, I won't belabor this point, and I agree with you. I think the Federal intent on that was correct. I think it still is. But there is just something curious about saying, hold back the technology here, because we cannot figure out a way to overcome it.

I guess if you were to draw the most extreme kind of analogy, it would have been like saying a hundred years ago at the time telephones were first introduced that you couldn't figure out a way to tap it, so you would say to the government, don't allow telephones to be used.

We can listen around the corner to somebody, but we don't know how to listen in on their phone conversation, so you should ban telephones.

Obviously, that is extreme. But you really are asking for limits on technology. What I don't understand technically is what this conversion means, whether it means the new technology gets used, or whether it blocks the use of that technology? What will the impact be on the telephone companies in introducing this new technology?

Mr. SESSIONS. If we were out in the street, what I would expect you to say to me is, Bill, you are absolutely right on being sure that, as this new digital capability emerges, the ability for the FBI to comply with the law stays as it is written. If you do that, you will not find yourselves holding back a technology at all; and none of us want to hold back the technology.

What is the strength of America? It is free enterprise, it is the ability to produce and compete. The FBI should not ever be counted as being on the negative side of it.

All I want to do is be able to comply with the law in an area that is extremely important to us; and if we do not have it, then I would say that the Congress of the United States has to assume the responsibility for having taken it away.

You have seen the capability of those wire taps. You know what information flows from it, you know in the area of organized crime what flows from it. You know in the area of drugs and counterterrorism and foreign counterintelligence what flows from it. If you take it away from us and we do not have the capability, then you have crippled us. And that is not to say that we are not responsible. We are asking for \$17 million to go forward with digital telephony capability and scientific experimentation ourselves.

If you go down to Quantico to the FBI Academy—

Mr. KOLBE. Seventeen million for what?

Mr. SESSIONS. Digital telephony, in one form or another.

FEDERAL RESEARCH AND REGULATIONS ON DIGITAL TELEPHONY

Mr. KOLBE. To do further research into how you might become the technology?

Mr. SESSIONS. Well, it is actually \$12,704,000. But yes, it is our duty within the FBI to overcome the impact of digital telephony. If you were to go down to Quantico, and I am not sure if you have been down there, there are three buildings down there, a fourth in the making, that are called the Engineering Research Facility, where we are doing our dead level best to keep up with the current technology, and the changes are stunning. They are almost like the political changes around the world—they are day to day.

Mr. KOLBE. If you are successful in that research effort, I guess we authorized it or appropriated that; didn't we?

Mr. SESSIONS. Yes.

Mr. KOLBE. It is going to be necessary for telephone companies to redesign their systems? Is that \$230 million we are talking about?

Mr. SESSIONS. What we will have to have is giving us a capability. It requires, for instance, the proposed legislation—I am not sure that you have seen it. It requires the FCC, in consultation with the Attorney General, to determine the technological interception needs of the Government and issue regulations which will preserve the Government's ability to conduct lawful electronic surveillance. They will then issue regulations within 120 days after the enactment requiring the modification of existing telecommunications systems, if those systems now impede the Government's ability to conduct lawful electronic surveillance.

In other words, the bill requires them to modify so that we can, in fact, do it. It requires compliance by the service providers and the private branch exchanges within 180 days after the issuance of regulations and the use of nonconforming equipment is prohibited thereafter. In other words, they cannot use equipment that does not give us the capability of access. It gives the FCC—and this is probably the most troublesome area, the one that you are referring to—it gives the FCC the authority to compensate, through the rate structure, telecommunications systems operators under FCC jurisdiction for reasonable costs associated with required modifications of existing telecommunications equipment.

My belief is—and the estimates we have now are between \$230 and \$250 million—that is a blip in the rate structure. It means nothing. And if you have 150 million users, or 175 million users, and you start dividing that into \$250 million, it is nothing.

Mr. KOLBE. Mr. Chairman, I apologize for taking more than my time here. I am still not sure I understand all of this, but I will pass.

Mr. SESSIONS. The only thing I want you to remember is we are endeavoring to keep even.

ASIAN ORGANIZED CRIME

Mr. KOLBE. Thank you.

Ms. PELOSI. Thank you, Mr. Chairman.

Mr. Director, nice to see you. You say in your testimony the lessening of tension around the world has afforded an unprecedented opportunity to focus on pressing domestic crime problems. It is good news to a lot of us. In my community, in particular, a recent meeting I had with the Asian-American community, they called to my attention—of course, I heard your comments and read them in the press—this statement, and were encouraged by it, because we have a big need in San Francisco, and I bring it up not to be parochial, but I think that we are going to take the first bite of this wormy apple, and other people should be prepared for it later, the Asian gang problem in our community is one that the Asian community is very concerned about in terms of extortion and loan-sharking and crime, in general. What comes next for them? What can I say that they have to look forward to as a result of your request for the redirection of funds?

Mr. SESSIONS. What comes next, you will see that the Asian organized crime effort will give us, if it is funded, 17 additional special

agents and 36 total additional positions that are associated with that. When you do that, what you are doing is giving yourself the capability in those offices that have Asian organized crime efforts, or Asian gang efforts, to enhance that effort and to be able to deal with it in that particular region, utilizing the Federal crimes statutes that we have.

I would anticipate the same type of thing will happen with Asian organized crime that happened with the reprogramming of our 300 agents for foreign counterintelligence into the violent crime gang-related, drug-related arena. That is they will be able, working with other law enforcement agencies, State and Federal and local, to be able to gain the information and intelligence that will allow ultimately for a United States Attorney to return from a grand jury an indictment that will charge Federal crimes, so that the Federal bail provisions and the Federal sentencing provisions and the Federal law will have the impact.

You cannot do this unless you can actually build an intelligence base upon which you can predicate Federal crimes. RICO doesn't just happen. Continuing enterprise investigations don't just happen. You have to have the base information on which to be able to charge Federal crimes. That is the Federal interest.

When gangs began moving out, the Crips and the Bloods from Los Angeles, for instance, they did it almost overnight. In a matter of six months, they were in 27 cities. Was it then a Federal interest? Yes. Why? Well, because they were moving.

With the Asian organized crime, as we approach 1997, I anticipate from Hong Kong there will be more and more Asian crime. Unless we deal with it and are able to attract Special Agents and special support people with language capabilities and otherwise, then we are behind the curve.

Ms. PELOSI. That was my question, as you prepare to reach out to have people with the language capability and with dialects and the rest, because as you know, some of these gangs are from Hong Kong.

Mr. SESSIONS. Absolutely. And to be able to attract those kinds of young agents who are able to become FBI agents and support personnel, yes.

HATE CRIMES/GANG VIOLENCE

Ms. PELOSI. Then this leads me to the next course in dealing with this issue and with all else that is going on economically in the world, we see a rise in hate crimes. And last year, when you were here, we talked about how you all had started training personnel to deal with hate crimes. We are going to have a report soon, I understand, on that?

Mr. SESSIONS. We will have the first annual report, but it is again just a report. But I think, and I have testified before this way, and I have publicly spoken about it, I think this will be a significant contribution, because we will see where it is and what it is.

To me, where and what is extremely important in trying to plan how you will use resources. Congressman Early was talking about Federal involvement earlier and about invading State areas. It will

also help those State people and those local people see where the problems really are.

Ms. PELOSI. We want to attack, in this case, Asian gang problems, and in the case of the Bloods and the Crips, the Hispanic, without increasing the hate crimes in terms of, with some discernment about not the community bearing the brunt of this, but in reaping the benefits of it in terms of relieving the crime and also not having them stereotyped as part of these.

— So you have an important responsibility, I think.

Mr. SESSIONS. Well, if I am wrong about the impact of 300 agents and what contributions they can make, then I will have to withdraw my confidence in the procedure. But I do believe, if there is a Federal interest, it is in the destruction of the gangs under Federal laws. It is not enough simply to prosecute them for the individual crimes, any more than it was effective with La Costa Nostra or any more than it is effective with drug gangs. You lop off one, and out comes two, as if it is an octopus. The point is to be able to apply the RICO statute, the continuing enterprise statutes, the conspiracy statutes, the Interstate Aid of Racketeering statutes to those things which we normally thought about as being obviously local stuff. They are not local stuff any more, any more than the Asian organized crime problem is simply local.

We will have ten additional agents who will be in the San Francisco region under the Safe Streets Violent Crime Initiative.

Again, those are not particularly allocated to Asian violent crime, but to the violence in the region. [——.]

POLITICAL CONTRIBUTIONS

Ms. PELOSI. The last question that I have, for this round, anyway, is one that I posed to the Attorney General; and in that arena he did not want to respond, which was that I have reason to believe that the Justice Department is aware of attempts on the part of the People's Republic of China to make contributions to political figures in the United States. I am not saying that anybody accepted any contributions or that they would even know that the PRC was the source of the money, because the attempts would be made through intermediaries. Are you aware of any attempts on the part of the PRC to make political contributions to elected officials in this country?

Mr. SESSIONS. I am not personally aware that there are any. I would say that with any of those operations, if there is an attempt to bribe or there is an espionage intent, then you may well have a violation of Federal law. Any information that would be helpful to the Bureau that could zero in on those particular violations. I have turned in my book to the United States Code Title II, Section 441, which states that it shall be unlawful for a foreign national, directly or through any other person, to make any contribution of money or other thing of value in connection with an election to any political office, or to receive any such contribution from a foreign national. So, it may be that there is information of that nature, which could either be in connection with that section of the law or in connection with bribery or other efforts that may be criminal in nature, that could be pursued.

Ms. PELOSI. You are saying that you personally are not aware—are you saying that the Bureau is not aware of any attempts?

Mr. SESSIONS. What I will need to do is actually provide for you an answer to that question. [——.]

Ms. PELOSI. I appreciate that. I would like to keep the information on the record to see if the Department is aware, the Bureau is aware of any attempts by the PRC to make the contributions that we referred to. [——.]

DIGITAL TECHNOLOGY

Mr. SMITH of Iowa. I will just ask you one question. Can you explain to me as a layman, what are your needs relating to digital telephony.

Mr. SESSIONS. Yes. I want them to provide a capability where the digital technology will not foreclose the FBI from being able to access the system.

Mr. SMITH of Iowa. What is that? How do they do that?

Mr. SESSIONS. I do not know the technical system. Mr. Bayse is here, who could probably—he doesn't always talk in layman's terms. I have given you plain language, and I will ask Mr. Bayse to tell you directly.

Mr. BAYSE. The current systems that are in place now, for the most part, are what are called analog systems where the voice is transmitted in a wave form over a wire or through the air. The new systems convert voice waves into the digital signals like the computer uses, bytes, in electronic or optical form.

The intercept equipment that we have now is in the analog form. We just physically intercept that wave form, draw it off the communications line and interpret it as audio. The current analog equipment simply is incapable of intercepting these high speed digitized signals that are being transmitted over computer lines, essentially, and controlled by computers; they are, as well, all in a new computerized digital-type format.

In other words, instead of a wave form, you are getting little electronic pulses that ultimately can be reinterpreted only by the system.

TELEPHONE COMPANY SOFTWARE TECHNOLOGY CHANGES

Mr. SMITH of Iowa. What do you want them to do?

Mr. BAYSE. We want them to change the telephone switches, of which there are thousands across the United States, and to enable us to identify one conversation and intercept that under our court order the way we do now. Presently, we give them a court order, and they give us back the audio.

Mr. SMITH of Iowa. How do they do that?

Mr. BAYSE. They would have to go in and change the software that operates these telephone switches, that handle thousands and thousands of calls that are switched from Hawaii through San Francisco to New York. If we wanted to intercept a call from Hawaii to New York, we may intercept it somewhere along the way at one of the most convenient spots for the telephone company to do that.

Mr. SMITH of Iowa. Mechanically, though, what do they do?

Mr. BAYSE. They will have to write a lot of computer instructions so that they can isolate one call from all the thousands that are being brought in. They do that now and we need the telephone companies to give us that audio back so that we can do our investigation.

So they would have to invest in some hardware modifications in their computer switches, and they would have to develop a considerable amount of computer instructions, software, and implement those in the switches themselves.

VALUE OF WIRETAPS

Mr. SMITH of Iowa. Well, as Mr. Kolbe said, I don't know why this has really caught on and is something to make jokes about and everything else. I am sure it is very important, but you are going to have a hard sell. To start with, people don't understand it. But I just point this out that with less than 300 taps, \$300 million, if you have 10 percent to cover the use of the money, plus the depreciation, that is \$300,000 per tap. And somebody is going to bring that up.

Mr. SESSIONS. Well, when they bring it up, Mr. Chairman—

Mr. SMITH of Iowa. How do you answer that?

Mr. SESSIONS. I answer it by saying that with total cost, if you move now to those systems to actually effectuate it would be \$250 to \$300 million. And when you do that, what you do is you provide us the stay-even capability, simply to access it.

And when you talk about taps, you have to talk about what those taps do for you, and those are the major criminal prosecutions that are so critically important to the country and the foreign counterintelligence capability.

Mr. SMITH of Iowa. That is why you are going to have to say that they are worth \$300,000.

Mr. SESSIONS. They are worth \$300 million to me, absolutely, just like that. If you took the companies and they passed that on somehow, although I don't think it will happen, to their consumers, and there are 170 million or 150 to 180 million users, multiply it by two, \$2, you have already got it taken care of. It is not a significant thing. It is a blip in the night.

Mr. SMITH of Iowa. I think you are going to need some examples of how these taps are worth a lot more than \$300,000.

Mr. SESSIONS. Well, let me ask you this: If you go into the Patriarca Organization, and you go into the Gotti organization, and you go into those things that are happening right now as I speak and as we speak, if you go into the foreign counterintelligence intercepts and what they provide for us that I could provide to you, there is no question about the value, absolutely, and the critical nature of that information.

Whenever a judge sits down and decides whether or not to allow that intrusive capability to be applied, what that judge has to say and make the Government prove is that you have used every other technique. And this is the only one that will work. So, when you get down to 300 or 248, what you are talking about is circumstances where, with those criminal activities, there is no other way.

And a judge has to believe that before the judge ever signs it off. You convince that judge that it has to happen. So we are talking about the most important capability.

Mr. SMITH of Iowa. My point is, you need some specific examples of how it is worth millions of dollars to have had a wire tap.

Mr. SESSIONS. Well, I can just take two cases if you want to take them. Either the Gotti or the Patriarca.

Mr. SMITH of Iowa. No, not now. That is what you are faced with.

Mr. SESSIONS. What I am faced with here is with being assured that I have transmitted to this Committee the importance and significance of it. If I cannot do it here——

Mr. SMITH of Iowa. It is not this Committee, but it is the House, the Congress.

Mr. SESSIONS. What will happen is if this Committee says yes, we agree with that and we agree with your need to stay in, then that goes a long ways towards the public understanding and the importance that this Committee attaches to it.

Mr. SMITH of Iowa. It might be a good idea if you can, for the record, give us a couple of examples of where wire taps are proven and how valuable they are.

Mr. SESSIONS. I appreciate the opportunity, and I would like to go beyond the two.

Mr. KOLBE. Mr. Chairman, would you yield? On the same point, would you give us a little more detailed explanation of the kind of computer program software that may be required in order to accomplish this? I am still not sure in my own mind I understand what the difference is between the kinds of computer programs you are talking about and simply not using the digital system at all.

Mr. SESSIONS. I will do that. What we are talking about is a program that translates the capability in the present system to access it, and the software program will allow, as I understood Mr. Bayse's technical language, to do that.

Mr. KOLBE. Okay.

[The information follows:]

EXAMPLES OF SUCCESSFUL WIRETAPS

In 1991, a member of the Middle East Terrorist Group ABU NIDAL ORGANIZATION and his wife, residing in St. Louis, Missouri, were convicted by the State of Missouri for the brutal murder of their sixteen year old daughter based on evidence obtained by an FBI telephone intercept installed in accordance with Title 50 of the U.S. Code. The entire murder was recorded on tape. During the course of their trial, the defendants claimed that they had acted in self-defense. The tape recording was played for the jury, and it subsequently convicted both defendants of the murder.

In late September/early October, 1991, a long-term FBI investigation into the activities of a serial murderer successfully came to fruition. The subject had been operating for the past three to four years. Investigation by the FBI produced sufficient probable cause to initiate Title III telephone surveillance of the telephone primarily used by the subject which produced enough evidence to arrest and convict the subject. The Title III telephone surveillance also provided to the investigators the identities of two accomplices who were subsequently arrested and convicted based upon evidence acquired by the telephone surveillance.

On November 26, 1991, a total of 45 subjects were indicted in four judicial districts on numerous money laundering and drug related charges. As a result of a nationwide effort by participating Federal, State, and local law enforcement agencies, a total of 40 subjects have been arrested in Providence, Rhode Island; Los Angeles, California; New York, New York; El Paso, Texas; and Miami, Florida. Twenty million dollars in currency and negotiable instruments were seized as a result of this. Limited results would have occurred without the use of wiretaps which were essen-

tial in identifying the international bank accounts, identifying subjects of the money laundering operation, and following the flow of the laundered money through the organization.

DIGITAL TELEPHONY

In the context of Digital Telephony, the switches being used or planned for use by the local exchange carriers, long distance carriers, cellular telephone carriers, and public branch exchange operators all utilize microprocessor based and controlled switches. These switches are built by different manufacturers. Each manufacturer uses its own "architecture" in designing and building a telephone switch. This means that different microprocessors are used in the operation of the individual manufacturer's switch. Different microprocessors require different software programming to make the switch function as designed. Because of this variety and individual uniqueness, one software solution to solve all of the software issues may not be possible. One solution would require that software be written for each type of switch which will allow the switch's "hardware" to "sift" through all of the contemporaneous conversations which are occurring within the switch and pull out the one targeted conversation which has been lawfully authorized for interception and route that conversation to some location where it can be monitored.

VIOLENT CRIME INITIATIVE

Mr. ROGERS. Quickly, on the violent gangs initiative, it seems to me that what some of our big city police departments need, and I think D.C. is a good example, is the FBI and the other Federal agencies to help them coordinate how to deploy the forces that we already have. And as you and I talked the other day amongst ourselves or as I was talking to you, I made a statement to the effect that if Washington, D.C. had visible cops on the beat walking the beat as we used to, it would do more to stop violent crime and the gang initiatives that have taken over cities like D.C.

Mr. SESSIONS. You will find a lot of chiefs will agree with you. Lee Brown in New York is probably the most noteworthy example of that. It is interesting that the city from which he came, that is Houston, is on the verge of abandoning that community policing alternative.

I think, personally, it is worth its weight in gold for the FBI to be out there as we are in the community, more and more, not only with the drugs program, but actually the violent crime program or community support program, to see, touch, feel, deal with these people, see their concerns, help us develop formats, help us develop a cooperative spirit about what we are doing.

But it is also the ability ultimately to apply the Federal crime, which is our objective.

Mr. SMITH of Iowa. Mr. Early?

FBI ACHIEVEMENTS IN MASSACHUSETTS

Mr. EARLY. Just one point. Mr. Director, I really would be remiss if I didn't say that, on the FBI's achievements, you have probably had more success in Massachusetts with organized crime than any other place in the country.

Mr. SESSIONS. It was a good year. -

Mr. EARLY. There has been tremendous cooperation between the U.S. Attorney's Office and yours.

Mr. SESSIONS. Yes.

Mr. EARLY. That is practice rather than theory. You knocked them out of business.

Mr. SESSIONS. Yes.

Mr. EARLY. There really hasn't been a wire tap. It has been——

Mr. SESSIONS. It has been electronic overhears; that is correct. It is a court-ordered capability that we don't otherwise have. That particular capability would not have infringed on this, I don't think.

Mr. GOW. There were a lot of phone taps.

Mr. SESSIONS. The kind of tap on the wire——

Mr. GILBERT. There were a lot of wire taps.

Mr. SESSIONS. But to build the case——

Mr. EARLY. The case was built on the bugs. Now, you want to be farmers, weeding and seeding. Mr. Director, the Massachusetts Bureau, and I don't know any of them, and I don't want to know any of them, has done a marvelous job. It has shared the press and the credit with local law enforcement, the cities and towns and the State, and it really has been great.

Mr. SMITH of Iowa. No harvesting.

Mr. SESSIONS. What I want you to rely upon is that the Bureau is very intently focused on the weed and the ability to take——

Mr. EARLY. He is more of a seed man.

Mr. SESSIONS. He knows the Bureau is weed, because that is our responsibility.

Mr. EARLY. You should be in it. It involves a lot of training. If the agents are going to be spread throughout the country, that is something else.

Mr. SMITH of Iowa. Okay. Thank you.

Mr. SESSIONS. Mr. Chairman, thank you for the opportunity to appear. I am grateful. Thank you.

[Subsequent to the hearing, the following questions were submitted to be answered in the Record.]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Federal Bureau of Investigation

Digital Phones

QUESTION: Can you think of any other instances where industry has been required to alter systems in order to conform to the needs of the law enforcement community or even the Government at large?

ANSWER: Yes, export controls target certain technologies such as military hardware, electronic surveillance equipment, etc., to ensure that they cannot be used against the United States Government. Also, the frequency spectrum is regulated and controlled to ensure non-interference with Government and law enforcement operations. Additionally, there is extensive government regulation of public utilities such as power companies and the public telephone industry for the purposes of assuring uniformity and public safety.

QUESTION: In 1992, the Congress provided funds to initiate the development and procurement of methods to access digital phones. What is the status of that project?

ANSWER: Funding provided in 1992 is being used to study the feasibility of accessing digital subscriber loops, enhance the ability to perform cellular intercepts, and develop a capability to address the FBI's intercept requirements with respect to digital private branch exchanges. These projects have been initiated and are on schedule.

QUESTION: Are you confident that you will be able to develop the necessary technology?

ANSWER: Yes. The FBI is confident the development efforts currently underway address its near-term requirements with respect to the specific technologies that are being targeted. Current initiatives will allow the successful completion of these projects. It should be realized that these projects are limited in scope and do not address all emerging telecommunication technologies, but, rather, will provide a capability in these areas.

QUESTION: Are you satisfied with the amount of assistance being provided to you by the Intelligence Community?

ANSWER: Yes. There are regularly scheduled quarterly meetings with the National Security Agency (NSA) on the Advanced Telephony Program. The Central Intelligence Agency and NSA are participating in the FBI's joint agency coordination meetings on program issues. Prior to any major development efforts, these agencies are contacted for the exchange of technical information and to ensure there is no duplication of efforts.

QUESTION: If you are successful in developing this new technology, will it still be necessary for the telephone companies to redesign their digital systems?

ANSWER: The FBI's current engineering efforts in the area of advanced telephony are addressing limited intercept capabilities, as well as the ability to collect and process this digital information. As the telecommunications industry continues to evolve, law enforcement's access to the network to perform intercepts will continue to diminish. A comprehensive requirement to the industry will ensure that future access for an authorized intercept can be provided to law enforcement pursuant to a court order.

QUESTION: For the record, please identify the amount of digital telephony funds, regardless of source, available to the FBI in 1992, the 1993 base and any program enhancements. The Committee is especially interested in funding sources that are not being provided by direct appropriation to the Justice Department.

ANSWER: The amount of non-personnel digital telephony funds available to the FBI for 1992 is as follows:

1992 Availability

| | |
|--|------------------|
| FBI - Technical Field Support and Equipment | \$2,114,000 |
| FBI - Other Field Programs | 750,000 |
| Organized Crime Drug Enforcement Task Force* | 200,000 |
| Department of Defense** | 15,000,000 |
| Carry forward from 1991 | <u>2,079,588</u> |
| Total Available, 1992 | 20,143,588 |

* Reimbursable

** Contained in the 1992 Department of Defense appropriation.
Available one-time only..

In addition, the Senate Appropriations Committee report earmarked another \$4,771,000 in 1992 from the Department of Defense (DOD) for digital telephony. Attempts are being made to accomplish the transfer of funds with DOD.

The following lists the 1993 base and enhancements requested for digital telephony:

1993 Base

| | |
|---|----------------|
| FBI - Technical Field Support and Equipment | \$2,114,000 |
| FBI - Other Field Programs | <u>750,000</u> |
| Total Available, 1993 Base | 2,864,000 |

1993 Enhancements

| | |
|---|------------------|
| FBI - Salaries and Expenses Appropriation | 3,653,000 |
| FBI - Special Program Appropriation | <u>8,524,000</u> |
| Total, 1993 Enhancements | 12,177,000 - |

IAFIS Program Office

QUESTION: What is the status of the independent program office the Congress directed you to establish to provide appropriate management and oversight of the automation of the Identification Division?

ANSWER: The FBI is in the process of organizing a new Criminal Justice Information Services (CJIS) Division that will consolidate several ongoing major initiatives aimed at improving and enhancing identification and information services provided to the Federal, State, and local criminal justice community. These major initiatives include the Integrated Automated Fingerprint Identification System (IAFIS) development, the National Crime Information Center (NCIC) 2000, and the incident-based reporting system for the Uniform Crime Reporting program.

As envisioned, the Assistant Director and Deputy Assistant Director positions of the CJIS Division will develop the structure of the program office. Each Deputy Assistant Director will be responsible for one or more major functional areas cited by Congress, i.e., administration/budget and finance, systems development, and user support operations. The FBI is in the process of selecting candidates for the key CJIS Division positions. The Director recently selected Special Agent Norman Christensen, formally the head of the Information Management Division, to be the Assistant Director of the CJIS Division.

QUESTION: Who will the head of this program office report to?

ANSWER: The head of the program office will report to Associate Deputy Director for Administration, James W. Greenleaf.

QUESTION: Is the program office independent of the Identification Division?

ANSWER: The CJIS Division will be an independent entity separate and apart from any of the present functions of the Identification Division and any other FBI division or field office, thus satisfying the requirement to create a separate program office to oversee the development of the IAFIS project, as recommended by Congress.

Identification Division Automation

QUESTION: We would appreciate a more detailed explanation of each component of your Identification Division automation project. First -- the Image Transmission Network (ITN):

What benefits will ITN provide the FBI?

ANSWER: The FBI's current identification system requires that a fingerprint card be physically moved from one processing station to the next to complete the process of identifi-

cation and criminal record-keeping. This labor-intensive and time-consuming manual process, along with the identical processes in State identification systems, when compounded by the mail delivery system, results in unsatisfactory response and turn-around times. The development of the ITN will allow the FBI to provide State and local law enforcement agencies with near immediate access to fingerprint identifications. Specific benefits to be obtained by the ITN include: (1) the positive identification of a subject while still in custody; (2) elimination of physically moving fingerprint cards resulting in faster and more reliable service to the users; (3) avoidance of "out-of-file" conditions that are encountered in a paper-based environment by using image storage and retrieval system (in addition, space will be saved by eliminating the need to store the hard copy in the Fingerprint Card Master File); and (4) the capability for complete electronic transfer and processing of fingerprint images; thereby, increasing throughput capabilities of the FBI.

QUESTION: What stage of development are you currently in and what are your major milestones?

ANSWER: The preparation of the ITN/FBI specifications and the request for proposal (RFP) are currently underway. The RFP is targeted for release in September-October 1992, leading to a contract award in March-April 1993. A subset of the ITN/FBI specifications is being released to the industry imminently with a request for comments (RFC). A draft release of the entire RFP to the industry as an RFC is targeted for late summer 1992. To augment the preparation of more complete and accurate specifications, prototyping methodologies are being employed to develop items such as the user/machine interfaces and architectural requirements for incorporating intelligent character recognition into the ITN/FBI.

QUESTION: What are the projected costs by fiscal year?

ANSWER: The current cost projections to support the IAFIS were developed in the Benefit/Cost Analysis (B/CA) prepared by the MITRE Corporation in September 1991. Based upon the B/CA, the current cost estimates to support the ITN effort are as follows:

ITN Funding (\$ in Millions)

| <u>FY 92</u> | <u>FY 93</u> | <u>FY 94</u> | <u>FY 95</u> | <u>FY 96</u> | <u>Total</u> |
|--------------|--------------|--------------|--------------|--------------|--------------|
| \$8.0 | \$50.0 | \$45.0 | \$34.9 | \$10.0 | \$147.9 |

QUESTION: Second -- Fingerprint Card Conversion:

What are the total number of fingerprint cards in the FBI master file that you plan to convert, broken out by criminal and other classes?

ANSWER: The FBI plans to convert approximately 32 million master criminal fingerprint cards to an automated image data base. The FBI's civil file, which includes over 37.9 million individuals, will not be converted.

QUESTION: Is it necessary to convert all existing criminal fingerprints to an electronic image?

ANSWER: There are approximately 3,200,000 criminal fingerprint cards that will not be converted due to minimal activity. These 3,200,000 cards represent individuals with a date of birth in 1928 or earlier, with a first arrest prior to 1974.

QUESTION: Can you estimate the number of fingerprint cards that are over 10 years old, over 20 years old, and over 30 years old?

ANSWER: Of the FBI's existing criminal fingerprint card master file, approximately 6,700,000, are 10 to 20 years old; 3,800,000 are 20 to 30 years old; and 10,000,000 are over 30 years old.

QUESTION: In 1992, Congress appropriated \$12.5 million to alleviate a backlog of fingerprint cards. Will this process include electronic imaging?

ANSWER: Program increases totaling 487 positions and \$12.5 million were provided in 1992 to reduce the backlog of fingerprint cards and disposition reports, and to convert manual arrest records to an automated format. These activities do not include electronic imaging of the master criminal fingerprint file.

QUESTION: Why are you contracting out for electronic image conversions, but adding support positions to handle the backlog in fingerprints?

ANSWER: The image capture project is to be completed over a period of three years, by 1995, at which time the process would become the standard operating procedure for the IAFIS system. Consequently, the use of contract personnel for this one-time only task is preferred over the recruiting and hiring of permanent personnel. The positions that are currently being hired to handle the backlog in fingerprint cards will be permanent positions, required until at least 1997. Permanent positions were requested due to the extended period of time needed to address these backlogs. Assuming the backlogs are completed by 1997, these personnel will then be available to support other operational requirements of the IAFIS.

QUESTION: Third -- the Felon Identification in Firearms Sales (FIFS) system: How do you envision this system working?

ANSWER: A system design for the FIFS Program was developed to carry over State record flags into the Interstate Identifi-

fication Index (III) for flagging criminal records to improve record responses on prospective firearm purchasers. Pursuant to an application to purchase a firearm, a criminal justice agency with access to the III would make an initial inquiry based on name, date of birth, race, sex, and social security number of the prospective purchaser to determine if there is a III record with matching descriptors. III records will contain at least one of the following flags: (1) record contains one or more felony conviction(s); (2) record has pending court action or the status of the record is unknown; or (3) the record contains no felony conviction and/or a misdemeanor conviction only, and there is no pending court disposition.

Once the criminal justice agency determines a possible record exists, a III transaction would be initiated to obtain a copy of the subject's detailed record to resolve questions about a pending court action or an unknown record status. If there is a question about the prospective purchaser's identity, the question will be resolved through fingerprint comparison.

QUESTION: What stage of development are you currently in and what are your major milestones?

ANSWER: The FBI has developed a FIFS system design that has been coordinated with virtually all States. The State of Virginia expressed interest in being the first State in a pilot project to begin setting record flags. Operation of the pilot project is expected to begin in the summer of 1992, with additional States being added as quickly as possible once any problems with the pilot project are resolved. During this project, criminal justice agencies in all States will have access to III for FIFS purposes by using a new system access code.

Various FIFS milestones are:

- January 1992 - The FIFS system design was finalized and furnished to all NCIC Control Terminal Officers, including the Virginia State Police.
- August 1992 - Implement the FIFS Program pilot project with the Virginia State Police.
- November 1992 - Prepare a 60-day FIFS Operations Report, make any needed system modifications, and bring additional States on board to identify felony records.

QUESTION: What are the projected costs by fiscal year?

ANSWER: During 1992, the FBI is implementing the initial FIFS pilot project with existing appropriations. The FBI was provided an increase of \$12.5 million in 1992 which is being used to add 487 positions for converting non-automated records to the automated system and eliminate work backlogs so that records will be more available and timely for FIFS purposes. An additional \$3.4 million is included in the FBI's 1993 budget request for computer software support

(\$900,000) and an upgraded central processing unit to support the added system traffic (\$2.5 million).

QUESTION: Are there any estimates of the cost to State and local governments or to local firearms dealers to implement this system at their level?

ANSWER: The FBI has not estimated either State/local costs or dealer costs since, thus far, each State implementing record checks for a FIFS program has done so according to unique State legislative and policy requirements. The checking for a record at the national level has been only one segment of their overall program. The Bureau of Justice Assistance is providing States with a total of \$27 million over a three-year period under the Attorney General's Program for Improving Criminal History Records. One of the uses of the funds is for States to identify felony offenders in State record systems for FIFS purposes.

QUESTION: Has there been any discussion of possibly charging some type of fee associated with the purchase of a firearm, in order to pay for the cost to implement this system?

ANSWER: Although States often have a processing fee to help cover the costs of approving firearms purchases, the FBI has not proposed charging users a fee for making automated record checks against the national data base.

QUESTION: Fourth -- the Automated Fingerprint Identification System (AFIS): What stage of development are you currently in and what are your major milestones?

ANSWER: The FBI has acquired the services of the General Services Administration's Federal Computer Acquisition Center (GSA-FEDCAC) to prepare the final request for proposal (RFP) materials for the competitive acquisition and compute-off (using OMB's Circular A-109 methodology) for the AFIS. It is anticipated that the \$40 million available for the AFIS acquisition will be committed before the end of 1992, as originally planned. This effort will lead to the selection of a contractor for full-scale development and production beginning in 1995.

The projected milestones for the AFIS project include: (1) releasing a draft AFIS RFP during the early spring of 1992; (2) releasing the final AFIS RFP during the early fall of 1992; (3) awarding initial contracts during the early spring of 1993; and (4) awarding final AFIS contract by early spring of 1995.

QUESTION: What are the projected costs by fiscal year?

ANSWER: The cost projections to support the IAFIS are supported by the Benefit/Cost Analysis (B/CA) prepared by the MITRE Corporation in September 1991. The initial projections have been updated to accommodate the funding approach proposed in the President's 1993 budget. The following

identifies the current funding requirements to support the AFIS effort:

AFIS Funding (\$ in Millions)

| <u>FY 92</u> | <u>FY 93</u> | <u>FY 94</u> | <u>FY 95</u> | <u>FY 96</u> | <u>Total</u> |
|--------------|--------------|--------------|--------------|--------------|--------------|
| \$40.0 | \$0 | \$13.0 | \$100.0 | \$0 | \$153.0 |

QUESTION: Have you gotten any feedback from industry representatives concerning the direction the FBI is headed in the development of AFIS?

ANSWER: Yes. The FBI has released two Commerce Business Daily notices for the IAFIS RFC. Over 400 copies of the RFC package were distributed to the industry, user groups, and government agencies. The RFC included IAFIS-orientation materials, the IAFIS system requirements definition, and the AFIS functional and performance specifications.

In response to the RFCs, the FBI has received 800 individual comments from industry and government representatives. The comments have been analyzed and incorporated, as warranted, after consultation with the NCIC Advisory Policy Board members and State representatives at regional working group conferences.

The direction of the AFIS development has not changed. The comments have caused refinements of the requirement specifications and increased the requested State support services for latent submission and remote searching.

Hostage Rescue Team

QUESTION: What are the duties and responsibilities of HRT personnel when they are not deployed or in training?

ANSWER: Although the HRT is oriented principally towards a counterterrorism mission, the Team is also tasked to address atypical situations, such as "special missions" requiring the arrest and transportation of international terrorists, dignitary protection, and/or pre-crisis tactical planning and preparation. The HRT also possesses other unique and specialized law enforcement skills which are available to assist FBI field offices in a variety of cases.

When the HRT is not deployed on operational missions, Team members spend a significant amount of time training and conducting research to develop and improve tactical and technical capabilities for utilization by the HRT in crisis situations. This training and research involves the development of specialized equipment as well as new techniques. The HRT routinely conducts liaison with U.S. military counterterrorist units and foreign tactical teams to fulfill these objectives.

Other responsibilities of the HRT include:

- Evidence Collection - The HRT provides FBI field offices with assistance in underwater searches for the recovery of evidence. Each HRT member is a qualified open water diver, and one-third of the Team has been trained in specialized underwater techniques by the U.S. Navy.
- Executive Protection - The HRT has provided physical protection to persons such as dignitaries, special guests of the U.S. Government, and protected witnesses.
- High-Risk Arrests - The HRT is prepared to perform high-risk arrest operations, utilizing advanced tactical skills and equipment, wherein a high probability of violence is likely. Instances of such cases include arrests of barricaded and armed subjects, the execution of search warrants at fortified compounds and/or drug labs, and any other elevated-risk activity where HRT's specialized training might reduce the risk of injury to all concerned.
- Liaison with Other Counterterrorist Teams - The HRT maintains liaison with various U.S. military and allied foreign counterterrorist units and tactical teams with a view towards improving capabilities and enhancing inter-agency and international cooperation.
- Planning and Operational Assistance - The HRT provides a "tailored package" of assistance to FBI field offices nationwide. This flexibility allows an office to request only one or two HRT personnel to assist in an operation, all the way up to a complete HRT deployment, such as in the case of the federal prison riots in 1987 and the recent takeover of the Talladega Federal prison. In the area of planning, the HRT is able to provide tactical planning assistance to FBI field offices, even in instances where HRT personnel are not tactically operational themselves. This arrangement enhances the safety of FBI personnel nationwide.
- Security Consultations and Site Surveys - The HRT has conducted security surveys of all major U.S. airports in support of the FBI/Federal Aviation Administration Security Review Group. Security surveys of private industry and governmental infrastructure assets are conducted in support of the FBI's Key Asset/ Infrastructure Program. Additionally, the HRT conducts tactical site surveys of buildings and venue sites in preparation for special events such as the 1992 Republican/Democratic National Conventions.
- Specialized Surveillance - The HRT is prepared to conduct covert law enforcement observation operations in a variety of inhospitable environments and conditions. The skills utilized for such a purpose are normally used for the development of tactical intelligence information, but may also be used for attaining collateral investigative

objectives in drug-related or kidnapping cases, for instance.

- **Tactical Site Surveys** - The HRT also conducts in-depth tactical site surveys of potential targets of terrorist or other criminal groups, such as prisons, nuclear power plants, or other Federal facilities. Surveys are done with a view towards retaking a site if it were to fall under the control of criminals or terrorists. The HRT also provides tactical consultations to FBI field offices and other law enforcement agencies, as required.

QUESTION: It appears from your justification for this increase in HRT positions, that the primary need for additional personnel is command and control in larger scale operations. Would it not be possible to deploy senior FBI personnel, on a temporary basis, to perform command and control duties under those circumstances?

ANSWER: Although assistance by senior FBI personnel is important and useful, current standard operating procedures of the HRT are extremely sophisticated in that the complexity of tactics requires a dedicated full-time commitment to train and gain experience with the team. Because of the critical timing involved in the tactical resolution of a situation, it is not desirable to incorporate other FBI personnel who are not fully integrated into the HRT when a crisis involves a life-or-death situation.

It should be noted that senior FBI personnel will be fully engaged in the overall crisis management of an incident. The HRT will be responsible for the resolution of the tactical aspects of an incident. Of course, while the HRT integrates the tactical coordination of the overall resolution of a situation with FBI crisis management procedures, the tactical planning and operational aspects of the resolution are handled solely by HRT personnel.

Command and control issues are, of course, a critical element of effective tactical operations, especially in today's more complicated and dangerous law enforcement crisis situations. However, improved command and control aspects are but one reason for the request to increase the HRT's personnel allotment. An enhancement of 24 agent positions to the HRT would increase operational flexibility, enhance internal training, increase the HRT's ability to address large crisis sites professionally, and improve operational effectiveness and safety of team personnel overall.

QUESTION: Should the Congress decide not to provide funding for these additional positions, will the \$678,000 for the HRT building still be required?

ANSWER: Yes. This addition would ensure a secure working environment for the HRT. The current space is inadequate to serve the Team's current complement, all of the HRT's existing equipment, and future supply/equipment purchases.

This addition would ensure that equipment is stored properly and prepared for quick deployment.

Further, HRT classroom space is currently overcrowded and needs expansion to accommodate the needs of the team. Team members are also responsible for the maintenance of technical equipment, which is conducted on-scene, in an overcrowded repair area. The HRT conducts technical research to improve personnel safety, Team capabilities, and enhance tactical effectiveness. The current HRT building does not provide additional space for large-scale research projects.

An expansion of approximately 6,000 square feet must be built next to the existing HRT Administration and Operations Center at the FBI Academy, Quantico, Virginia. The building addition would consist of a reinforced concrete foundation, structural steel frame, matching exterior, and climate controlled interior.

Architectural/engineering fees of \$80,000 would include preliminary design, design development, contract preparation, and construction administration. Construction costs of \$598,000 would include site preparation, connection to utilities, construction, heating/air conditioning, and a finished interior.

The total cost of \$678,000 includes a typical 15-percent contingency cost to accommodate as yet undefined expenses. The architectural/engineering procedures would be completed during the first year and in the second year the facility would be built.

Drug Intelligence

QUESTION: How is the FBI addressing concerns raised about duplication of resources and the lack of coordination between various agencies involved in the gathering and dissemination of drug intelligence?

ANSWER: One of the ways in which the FBI has addressed these concerns is by wholeheartedly endorsing the creation of the National Drug Intelligence Center (NDIC). It is anticipated that the NDIC would address these issues. The FBI has committed itself to sharing drug intelligence with the National Drug Intelligence Center, once it is established.

Further, the FBI, in each of the existing RDISs, has invited other law enforcement agencies to participate in the squads. These agencies include, but are not limited to: the Drug Enforcement Administration (DEA); the U.S. Customs Service; the Bureau of Alcohol, Tobacco and Firearms; the Immigration and Naturalization Service; the Internal Revenue Service; and the various State and local agencies in each region. The Department of Defense will also be an active participant.

All intelligence gathered by the RDISs is shared with every participating law enforcement agency. Any agency, which has participating members assigned to an RDIS, is entitled full

access to all intelligence information gathered. If an agency does not have personnel assigned to the RDIS, then intelligence is shared to the extent that the RDIS members determine the "need to know" of the requesting agency.

Additionally, if the RDIS gathers intelligence which it believes might benefit another agency, then that agency is contacted to determine if there is need for information on the particular issue. If so, then the intelligence is provided.

At the FBI headquarters level, particularly with DEA, there is a constant and ongoing dialogue between the respective intelligence components to insure coordination in the sharing of intelligence information.

QUESTION: You request \$2,191,000 to continue implementation of the FBI's Regional Drug Intelligence Squads (RDIS). What benefits will these new squads provide that is not now available in these regions?

Can you assure the Committee that these new RDIS squads will not duplicate other Federal agency intelligence operations in those regions?

Would you identify the location of each existing RDIS and where you propose to locate the new squads?

ANSWER: The RDISs will provide the FBI and other contributing agencies a baseline product that focuses on drug trafficking organizations. This is in contrast to limited focus efforts such as drug specific intelligence products or financial activity intelligence that have previously been generated by the law enforcement and intelligence community.

The RDISs were created to provide the FBI and other interested agencies with organizational profiles on major drug trafficking organizations. This kind of intelligence product was not produced or available prior to the creation of the RDISs.

At this time, the FBI field offices in which RDISs are in operation and being enhanced are as follows: Atlanta - Southeast Region; Chicago - Midwest Region; Houston - Gulf Coast Region; Los Angeles - West Coast/Pacific Region; Miami - Florida/Caribbean Region; New York - Northeast Region; Phoenix - Southwest Border Region; and Washington Metropolitan - Mid-Atlantic Region. The plan is to provide nine agents in each of the 13 core OCDETF Regions, requiring a total of 117 agents.

Currently, there are 61 funded agents in the RDISs. The requested 21 agent positions would provide the required resources for the FBI to continue staffing each of these intelligence squads.

White-Collar Crime

QUESTION: You request an increase of 83 positions and \$5.2 million for Financial Institution Fraud Investigations (FIFI). The FBI has received additional resources for the past several years to investigate financial institution fraud and, judging from your pending cases, it appears that the number of investigations is at least leveling off. Why do you require even more resources in 1993?

When do you believe we will see a decline in the number of investigations?

How will you utilize the substantial increase in agents you have received for FIFI investigations, once your caseload begins to decline?

What will be the impact on this program if it is held to 1993 base funding?

For the record, what are the number of positions and related funding for this program in 1992, and how does this compare to FIFI resources prior to the FIRREA Act of 1990?

ANSWER: FIFI investigations by the FBI continue to increase. As of January 1992, the FBI had a record 8,816 FIFI matters pending, of which 4,552 were major cases representing loss or exposure exceeding \$100,000. Of those major cases, 735 represented failed financial institutions. Recent indications from the Federal Deposit Insurance Corporation and the Office of Thrift Supervision suggest that as many as 1,000 financial institutions will fail between now and 1994. Of those, approximately 50 percent would be referred for criminal investigation. These new cases, combined with existing cases not depleted from our case inventory over the next several years, could potentially result in over 870 failure investigations by 1994. The additional resources requested for 1993 will be needed to address this anticipated increase in failure cases and the overall FIFI case inventory.

The FBI has no indication that there will be a decline in FIFI matters, at least over the next several years. As stated above, all indications are that there will be an increase in failed financial institution cases through 1994, which, most likely will be paralleled by an increase in the overall FIFI caseload.

Once the FBI's FIFI caseload begins to decline, measures will be taken to insure that all FIFI matters under investigation are being fully addressed. Up to now, resource enhancements received have been able only to adequately address the investigative needs of these cases. The FBI has a desirable staffing level ratio of two special agents (SAs) per failure investigation to fully address these matters. Currently, this ratio is approximately 58 percent or 1.2 SAs per failure. All FIFI resources will continue to address the pending cases so that the desired ratio can be achieved or

until it has been determined that a surplus of SAs exist. In the latter instance, these SAs will be reassigned to other White-Collar Crime matters where their experience and knowledge in financial-related cases can be utilized to the fullest.

The impact on the FIFI program if it is held to 1993 base funding would be significant. If the requested resources are not received, the anticipated workload will be impeded, with the result being the accumulation of under-addressed or unaddressed work or, at the minimum, a lengthening in the time involved in bringing these cases to a conclusion. This would be further compounded by a greater dissipation of any remaining assets that could be seized and forfeited as part of the investigative process and endangering successful prosecutive results because of dated evidence and potentially faulty recollections.

For 1992, the FBI had 1,013 funded agent positions and 699 funded support positions for a total of 1,712 funded positions in the FIFI program, and related funding of \$144,586,000. Previous to FIRREA, internal reprogrammings and reallocations, and budget enhancements, the FBI had 504 funded agent positions and 318 funded support positions for a total of 822 funded positions, and related funding of \$59,480,000.

QUESTION: You request an increase of 58 positions and \$3,645,000 for the investigation of health care fraud. Are you coordinating these investigations with other federal agencies? If so, how and with whom?

Are you aware of any efforts by the health care industry to reduce this type of fraud?

Your justification states that the Detroit Field Office has been actively pursuing health care fraud for the past eight years. Can you document any lessening of this type of crime in the Detroit area?

Are you using staffing models developed by the Detroit office to expand the program nationwide?

ANSWER: The FBI coordinates a majority of health care fraud investigations with not only federal law enforcement and regulatory agencies but also local law enforcement and regulatory concerns. On the federal level, the FBI coordinates a majority of its investigations with the Department of Health and Human Services (HHS) Office of the Inspector General (OIG); Food and Drug Administration (FDA), Department of Defense Criminal Investigative Service, Drug Enforcement Administration, and the Postal Inspection Service. On a State level, the FBI coordinates cases with the State Medicaid fraud control units, local boards and pharmacies, and licensing bureaus. As an example, in a pharmacy fraud investigation, it is common for the FBI to coordinate its investigation with not only the HHS OIG, but also FDA which has responsibility for federal regulatory authority over

prescription medications, State medicaid fraud control units which have oversight of medicaid-funded prescription programs, and local pharmacy boards which oversee licensing regulations for pharmacists.

The health care industry supports a number of private concerns including the national health care anti-fraud association as well as the federal government. The HHS OIG coordinates investigations involving fraud affecting federal government programs. There is no law enforcement entity except the FBI which has jurisdiction to investigate both private insurance frauds and government insurance frauds.

Unfortunately, health care fraud is on the rise. Even though the Detroit field office has vigorously pursued health care fraud, more and more individuals have gravitated towards an industry where there is inadequate audit functions.

The FBI has copied the success of the Detroit field office in the proactive approaches to health care fraud. The FBI, on a national scale, is using undercover operations and electronic surveillance to gather timely evidence of ongoing fraud activity.

QUESTION: What will be the main focus of your requested increase of \$5,299,000 for Economic Crimes?

ANSWER: As set forth in our budget submission, the allocation of this funding will be directed towards enhancing our efforts in fraud by wire, bankruptcy fraud, and computer crime. The main focus of this request is to increase the number of agents assigned to telemarketing fraud, securities/commodities fraud, and insurance fraud as well as increases to bankruptcy fraud and computer crimes. These investigative areas have been experiencing dramatic increases in the frequency of these crimes and the amount of the loss reported per fraud. The investigation of these frauds is becoming increasingly complex, and innovative proactive investigative approaches are used whenever possible to utilize manpower and resources to the fullest.

QUESTION: How closely do you work with the U.S. Trustees in developing bankruptcy fraud cases?

ANSWER: Many of the bankruptcy fraud referrals received by the FBI are provided by the U.S. Trustees (UST). The UST's knowledge about the intricacies of the bankruptcy system and their possession of the debtor's bankruptcy schedules and paperwork make them one of the most effective resources for obtaining investigative leads and acquiring evidence. The UST may also have had personal contact with the debtor and may have obtained an oral and/or written statement as to the validity of the filing. The UST is an integral part of the bankruptcy proceeding and a necessary point of contact for the investigating agent in pursuing a bankruptcy fraud matter.

QUESTION: What level of resources do you plan to devote to telemarketing fraud in 1993 and how does this compare to 1992?

ANSWER: Due to the fact that telemarketing investigations are one of a number of violations reported within the fraud by wire program area, the year-by-year comparison requested is not possible. The telemarketing fraud crime problem has been identified by the FBI and Congress as a significant and growing problem that tends to victimize, among others, the elderly. The investigation of telemarketing fraud can be labor intensive and requires significant time and manpower to effect a successful prosecution. The FBI has used and will continue to use innovative approaches in combatting telemarketing fraud in order to effectively use the resources that are made available within the Fraud by Wire initiative.

QUESTION: Are you working with the credit card industry in order to utilize their vast resources to address telemarketing fraud?

ANSWER: Effective liaison has been established with representatives of VISA and MasterCard, specifically in order to exploit their unique resources in terms of identifying credit card holders, identification of false credit card numbers, the tracing of factoring accounts as well as charge backs, and the identification of significant charge backs that may have contributed to a financial institution's failure. This working relationship has proven to be invaluable in a number of investigations involving telemarketing fraud as well as other financial crimes wherein a credit card has been used.

FBI Academy

QUESTION: What benefits will the FBI derive from the space freed up when DEA shifts to the new facility; for example, will you increase training of State and locals under the National Academy Program?

ANSWER: FBI training needs, including State and local law enforcement training, are projected to exceed the FBI Academy capacity even without DEA's presence.

When DEA acquires other training facilities, the FBI Academy capacity vacated by DEA can be reallocated to address priority FBI and State and local law enforcement training needs. The following table reflects the volume of DEA training at the FBI Academy for the period 1987-1992.

FBI Academy Capacity
Provided for DEA Training
FY 1987 - FY 1992

| <u>FY</u> | <u>Student Training</u> <u>Days</u> | <u>% of Academy</u> <u>Training</u> |
|------------------|--|--|
| 1987 | 36,511 | 21% |
| 1988 | 33,041 | 20% |
| 1989 | 21,970 | 14% |
| 1990 | 34,660 | 19% |
| 1991 | 39,240 | 19% |
| 1992 (scheduled) | 29,756 | 15% |
| 6 year average | 32,530 | 18% |

The above statistics include all of DEA's basic agent training plus certain other DEA training, primarily other entry level classes and some in-service training.

By agreement, the FBI will limit DEA's training at the Academy in future years to only their basic agent classes. Data furnished by DEA as of February 4, 1992, indicates the following projections for DEA basic agent Training:

Projections for DEA Basic Agent Training
(Supplied by DEA)
FY 1993 - FY 1996

| <u>FY</u> | <u>Student Training</u> <u>Days</u> | <u>% of Academy</u> <u>Capacity</u> |
|----------------|--|--|
| 1993 | 21,868 | 10% |
| 1994 | 22,253 | 10% |
| 1995 | 45,738 | 22% |
| 1996 | 37,422 | 18% |
| 4 year average | 31,820 | 15% |

It is noted that, during the five-year period (1980-1984) immediately prior to DEA training at the FBI Academy, the FBI devoted 52 percent of the Academy training to State and local law enforcement officers. For the past five years (1987-1991), with DEA's presence at the Academy, only 37 percent of the FBI Academy training was furnished to State and local officers.

Based on the above projections, it can be expected that the FBI will be able to recapture approximately 32,000 student training days annually upon the relocation of the DEA basic agent training to other facilities. This recaptured capacity would be available for increased FBI training as well as State and local law enforcement training. The proportionate amount of FBI to State and local training would be influenced

by the then-existing priorities and availability of resources.

QUESTION: Included in the funding request for the new facility are funds to improve and expand common needs such as sewage, water, and firearms ranges. Will these upgrades handle all of your projected needs for upcoming years?

ANSWER: Wise resource management requires us to design sufficient additional capacity into the water distribution and sewage collection system upgrades to handle the FBI and DEA needs for the upcoming years. While the needs are simple, there are complex issues associated with the water and sewage systems.

First, the water distribution and sewage collection systems are owned and operated by the United States Marine Corps (USMC). The USMC provides the services as an adjunct to the Real-Estate Use Agreement. The existing systems are currently at capacity, and unable to serve the additional facilities planned. Therefore, the funding that has been requested is to upgrade these USMC systems.

Second, neither the FBI nor the DEA will be directly administering the expenditure of these funds. The USMC's position is that, inasmuch as the systems are owned and operated by the USMC, the Chesapeake Division of Naval Facilities Engineering Command (NAVFAC) will administer the design and construction of the upgrades. The Director, Facilities Branch, Marine Corps Combat Development Command, USMC, has said that an extension of the environmental study that NAVFAC awarded to the architectural-engineering firm of Dames and Moore, is likely.

Third, the same water and sewer systems serve the USMC's Weapon's Battalion, located adjacent to the FBI Academy. Because no military construction projects are planned for the area at this time, the USMC is unwilling to participate in the cost of system upgrades. In the event the USMC plans additional construction in the future that would degrade the water and or sewer service, the USMC will fund the cost to bring the systems capacity-demand back into equilibrium.

Regarding firearms ranges, expansion is a critical issue, and the cost for range expansion has been included as part of the advance appropriation in 1993 from the Assets Forfeiture Fund to design a new firearms facility.

QUESTION: Are you confident that you are applying enough resources against civil rights violations considering the apparent increase in such instances being reported by the media?

ANSWER: The FBI is the lead federal agency responsible for investigation of alleged violations of federal civil rights, and our responsibilities in these matters address the actual or attempted curtailment of rights possessed by citizens and inhabitants of the United States under the Constitution and

federal laws. Investigations are conducted under guidelines established in cooperation with the Civil Rights Division of the Department of Justice, which require that every potentially meritorious case be timely and vigorously investigated. These investigations are often very difficult and consume massive amounts of time and resources. However, the FBI is firmly committed to expending whatever resources are necessary to effectively investigate all allegations of civil rights violations. The FBI initiated 14 percent more civil rights investigations in 1991 than in 1990, and approximately 30 percent more investigative resources in 1991 than in 1990. Through the first quarter of 1992, the FBI is expending approximately 44 percent more investigative resources in the CRP than its funded level. Although these resources must be taken from other investigative programs, the FBI would use whatever resources are necessary in the CRP.

QUESTION: The FBI initiated a program in 1990 to utilize contract personnel instead of special agents to perform background investigations. How is this program working?

ANSWER: On March 8, 1990, the FBI initiated its Background Investigation Contract Services (BICS) as a pilot project in five of its field offices. This innovative program contracts out background investigations (BIs) to former federal investigators, referred to as Special Investigators (SIs), with a demonstrated expertise in the conduct of BIs. BICS has proven itself totally efficient and effective in all measurable dimensions. This has been substantiated through audits recently completed by the FBI Inspection Division which opined that BICS has proven operationally sound and financially prudent. Importantly, BICS has freed special agent resources for reassignment to other critical investigative priorities.

Recognizing the unqualified success of BICS, on February 19, 1992, it was established as a permanent unit within the Civil Rights and Special Inquiry Section, of the Criminal Investigative Division. A strategic plan has been approved to establish 10 BICS Regions throughout the country with full implementation projected for the end of 1994. Based upon accomplishments to date, the FBI has every reason to believe the BICS Program will be the model for similar government enterprises in coming years.

QUESTION: Are these contract investigations limited to certain types of personnel?

ANSWER: The mission of BICS is to manage all BIs traditionally initiated by the Bureau or referred to the FBI by clients within the Executive and Legislative branches of government. The notable exceptions are BIs relevant to FBI special agent applicants and candidates for positions requiring Senate confirmation. These cases will continue to be investigated by FBI special agents.

QUESTION: What were the total number of agents performing background investigations before you initiated this program and how does this compare to the number projected for 1993?

ANSWER: In 1990, the BICS Program was initiated as a pilot program to free up agent workyears, giving Special Investigators under contract the responsibility of conducting reimbursable background investigations. There were five FBI field divisions involved in this pilot program.

In 1991, 77 agents were designated to conduct reimbursable background investigations. As a result of the BICS Program, eight reimbursable agent workyears have been reduced at the onset of 1992. The 1993 requirement for reimbursable agent workyears would be 69. In addition to the reimbursable background investigations, the BICS program has now begun conducting background investigations for FBI support applicant hires. The FBI continues to overburn resources in this area, therefore, there is only a cost avoidance during 1992.

QUESTION: Do you have any estimates of how much, if any, the contracting out of this program has saved the taxpayers?

ANSWER: As the BICS Program is currently operational in only five of the FBI's 56 field offices and has handled a limited number of background investigations, it is too early to estimate past savings to the taxpayer. What can be determined based upon approximately 1,500 completed background investigations is that cost to complete these investigations is approximately one-half of that for BIs conducted by agents. This will result in cost savings in several ways; eventually, the amount charged to client agencies for reimbursable BIs will be reduced and agent resources will be reallocated to higher priority investigative matters if the FBI contracts out support applicant background investigations.

NCIC 2000

QUESTION: What is the status of the upgrade of the National Crime Information Center (NCIC 2000)?

ANSWER: The FBI received request for proposals for NCIC 2000 on January 31, 1992, and has begun the technical evaluation process. Negotiations with vendors will follow the completion of the evaluation. It is anticipated that the contract will be awarded before the end of calendar year 1992. The following is a chronology of the significant events in the NCIC 2000 procurement process that have already taken place:

- 01/29/91 - Automated Information Systems (AIS) request sent to the Department of Justice
- 08/09/91 - Delegation of Procurement Authority received from GSA.
- 09/11/91 - NCIC 2000 request for proposals released

01/31/92 - Received proposals from vendors

02/05/92 - Start technical evaluation process

QUESTION: How much have we appropriated for the NCIC 2000 to date, and how much do you estimate will remain unobligated by the end of 1992?

ANSWER: To date, the Congress has appropriated \$39 million for NCIC 2000. Of this amount, approximately \$4.5 million has been expended. Negotiations with vendors are anticipated to begin in August 1992. If a contract is awarded this fiscal year, all remaining appropriated funding will be obligated by the end of 1992.

QUESTION: There are many competing requirements for limited resources in 1993. How confident are you of the need for another \$22 million for NCIC 2000 in 1993?

ANSWER: Negotiations for contract award are expected to begin in August 1992, and it is anticipated that a contract will be awarded between September and December, 1992, and that \$57 million will be obligated during that time frame. This will bring the total funding expended at that time for NCIC 2000 to \$61.5 million which includes the \$22 million needed for appropriation in 1993.

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Federal Bureau of Investigation

Health Care Fraud

QUESTION: This year, the Bureau has redirected resources to health care fraud. The Bureau's reprogramming request stated that between 5 and 15 percent of health care costs are generated by criminal activity.

Your statement indicates that health care fraud squads are being established in 12 additional field offices. How many fraud squads are currently in place, and how do you determine in which field offices to establish such squads?

ANSWER: Currently there are Health Care Fraud Squads established in seven FBI field offices. These offices are Baltimore, Chicago, Detroit, Los Angeles, Miami, New York, and Philadelphia. The locations of these squads were determined by using the active intelligence base of the field offices in January 1992, and analysis as to the dollar value of health care costs in those cities.

QUESTION: For 1993, the Bureau has requested additional resources for this initiative (\$3.6 million and 14 work-years). How will these additional resources be used?

The requested 1993 resources of 35 agents (58 positions, 14 workyears and \$3.6 million) and an additional 15 agents to

be reprogrammed, will be allocated to field offices based on the volume of health care fraud. The FBI anticipates additional Health Care Fraud Squads being formed in other cities, to include Atlanta, San Francisco, and Washington, D.C., during the next two years with these additional resources.

QUESTION: What type of interaction or coordination exists with the Office of the Inspector General at the Department of Health and Human Services?

The FBI has proposed a cross exchange of headquarters supervisory agent personnel between the FBI and the Department of Health and Human Services' Office of Inspector General (HHS-OIG). In addition, the FBI continues to provide the HHS-OIG reports of all pending health care matters. The FBI will also be participating in joint training of agents with the HHS-OIG.

State and Local Training/Assistance

QUESTION: Your statement emphasizes cooperation and assistance to State and local law enforcement. Among the services cited are forensic services and National Academy training. To what extent will the FBI be able to provide National Academy training opportunities for State and local law enforcement personnel in 1992 and 1993?

ANSWER: The FBI National Academy Program was instituted in 1935 and has graduated 24,634 students. The 168th Session graduated on March 20, 1992.

In 1972, the FBI Academy facility at Quantico, Virginia, was opened and resulted in the training of 1,000 State and local law enforcement officers per year. The FBI, in particular the Training Division, is currently on schedule to train 1,000 officers for both 1992 and 1993. It should be noted that there are approximately 11,000 applications on file from State and local law enforcement officers who are currently applying for this prestigious program.

QUESTION: To what extent will the FBI be able to provide training opportunities through its Field Offices in 1992 and 1993?

ANSWER: Since 1938, the FBI, through its Field Police Training Program, has assisted State and local police authorities by providing training in a variety of areas. Presently, the FBI provides training to approximately 180,000 law enforcement personnel each year. It is anticipated that the Bureau will be able to continue training at that level during 1992 and 1993, provided staffing allocations remain constant.

QUESTION: Is it possible to expand these programs?

ANSWER: The FBI has a primary responsibility to train new FBI agents at its training facility at Quantico, Virginia. Due to the large number of agents who are expected to retire

and, therefore, the large quota of new agents who will be hired during the upcoming years, it will not be possible to expand the number of National Academy allotments until the Justice Training Facility is constructed at the FBI Academy.

QUESTION: Has there been an increase from State and local law enforcement for forensic services?

ANSWER: Yes. Table A depicts the workload of the major categories of forensic services, including DNA analysis, which were provided to the State and local law enforcement community from 1987 through 1991. The emphasis on training State and local crime laboratory personnel in specialized forensic techniques has resulted in a decline in certain types of examination support in 1989 and 1990. However, after accepting cases for DNA examinations in December 1988, the demand for that technique in violent crime investigations, such as rapes and homicides, began to rapidly accelerate in 1990. Table B specifically depicts the workload in DNA Analysis. Approximately 90 percent of the cases received for DNA Analysis are from State and local law enforcement contributors.

Table A
FORENSIC SERVICES
PROVIDED TO STATE AND LOCAL
LAW ENFORCEMENT BY THE FBI LABORATORY

| | <u>1987</u> | <u>1988</u> | <u>1989</u> | <u>1990</u> | <u>1991</u> |
|--------------|-------------|-------------|-------------|-------------|-------------|
| Requests | 5,343 | 5,249 | 4,792 | 4,503 | 5,872 |
| Specimens | 52,798 | 52,877 | 48,127 | 42,700 | 68,303 |
| Examinations | 345,834 | 350,736 | 311,770 | 231,981 | 351,791 |

Table B
DNA ANALYSIS SERVICES
PROVIDED TO STATE AND LOCAL
LAW ENFORCEMENT
BY THE FBI LABORATORY

| | <u>1987</u> | <u>1988</u> | <u>1989</u> | <u>1990</u> | <u>1991</u> |
|--------------|-------------|-------------|-------------|-------------|-------------|
| Requests | ... | ... | 819 | 1,475 | 2,904 |
| Specimens | | | | | |
| Submitted | ... | ... | 4,949 | 6,844 | 13,698 |
| Examinations | ... | ... | 13,505 | 18,677 | 35,982 |

QUESTION: How well are you able to respond to such requests? What's the "turnaround" time on a request?

ANSWER: The turnaround times (TAT) on case submissions vary depending upon the priority of the offense. Generally, State and local case submissions are classified into two categories; personal (violent) crimes, category 2; and property crimes, category 3. These submissions have target deadlines of 20 workdays and 30 workdays, respectively. The table below illustrates the FBI Laboratory's actual case turnaround

performance from 1987 through 1991 and the March 1992 year-to-date figures.

**CASE TURNAROUND
FBI LABORATORY
1987 - 1992**

| | <u>1987</u> | <u>1988</u> | <u>1989</u> | <u>1990</u> | <u>1991</u> | <u>1992*</u> |
|---------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Category 2: | | | | | | |
| Cases ** | 4,615 | 4,653 | 4,491 | 5,059 | 4,681 | 1,124 |
| TAT (in days) | 45.5 | 52.3 | 61.1 | 88.8 | 58.4 | 22.2 |
| Category 3: | | | | | | |
| Cases | 2,394 | 1,993 | 1,746 | 688 | 846 | 238 |
| TAT (in days) | 38.7 | 46.5 | 56.9 | 71.2 | 46.1 | 21.6 |

* Year-to-date.

** Approximately 30 percent of the Category 2 cases are non-priority FBI investigative matters.

TAT represents turnaround time.

QUESTION: Could the Bureau provide assistance to State and local law enforcement in ways other than those currently being supported?

ANSWER: Expanded assistance could be provided to State and local law enforcement agencies in the area of training. This would, however, require significant increases in personnel and resources for the FBI's Field Police Training Program. Such training could be provided regionally throughout the United States by the Field Police Training cadre of instructors assigned to the FBI's 56 Field Offices.

Hostage Rescue Team

QUESTION: The budget request includes \$2.145 million and 24 agent positions to increase the size of the Hostage Rescue Team. Why is this increase necessary?

ANSWER: Since its inception in 1983, the Hostage Rescue Team (HRT) has remained the smallest credible counterterrorist group among Western nations, but is responsible for the largest population and geographic area. In the past eight years, the Team's capabilities and tactical sophistication have increased to the degree that the Team is now considered a national asset. The HRT is currently funded for 51 agents and 10 support.

The HRT must be adequately staffed, trained, and equipped "...to deploy to any location within four hours of notification by the FBI Director or his designee, and conduct a successful rescue of U.S. persons and others who may be held illegally by a hostile force, either terrorist or criminal in nature. The HRT will additionally be prepared to deploy to any location and perform other law enforcement activities as directed by appropriate authorities" (HRT Mission Statement).

In 1989, the Attorney General requested that the entire HRT be deployed to St. Croix, Virgin Islands, to assist local law enforcement authorities in restoring law and order to the island after extensive destruction of the island's infrastructure by Hurricane Hugo. Massive looting by island inhabitants took place in the aftermath, and a significant number of potentially dangerous prisoners had escaped from the island's prison. Both were law enforcement problems, which could not be addressed by the local authorities. Inasmuch as the entire HRT had been deployed outside the continental United States for approximately 10 days, any incidents which may have occurred within the United States during this time frame could not have been addressed by the HRT in an expeditious manner. In this situation, as well as with the HRT's recent deployment to the Federal Correctional Institution at Talladega, Alabama, an additional 24 HRT agents would have allowed one team of agents to remain in the Nation's Capital to respond to another crisis incident.

In order for the HRT to reach its full potential, it must be increased from 51 to 75 agents. An increase of 24 agent positions would provide the HRT with enough operators to provide sufficient Sniper/Observer (S/O) coverage at crisis sites and effect a successful hostage rescue involving large targets such as wide-body aircraft, cruise ships, sporting arenas, Federal prisons, and oil rigs. With this increase, the HRT could also respond to multiple incident sites. This enhancement would also permit the establishment of a training wing to provide critical, increasingly specialized, Team training. Local and State police SWAT teams and allied foreign tactical teams would share in this enhanced training. Increased training would enhance Team safety, enable the Team to rely on similarly trained personnel, and provide an improved tactical capability. Currently, the HRT does not have a training staff and must rely on fully assigned Team members to coordinate training.

An increase in the HRT staffing will also provide the HRT with the flexibility to support FBI Headquarters' responsibilities for airport security, the Infrastructure/Key Assets Program, and Special Events Management site surveys, without reducing the Team's tactical capability. This enhancement would also ensure that the Team has adequate resources for specialized overseas law enforcement missions, such as arrests of international terrorists and the provision of law enforcement assistance to foreign governments.

With the current number of S/Os, the HRT is capable of providing only partial coverage of a building or wide-body aircraft. The S/Os must work 15-hour shifts during any type of extended deployment. This need for additional S/Os is particularly crucial when, as is often the case, only half of the HRT is deployed. Increasing the size of the S/O section would enable the Team to provide continuous coverage on the entire crisis site for an extended period of time, thereby allowing HRT personnel to be alert and ready for any eventuality.

The addition of 24 agent positions to the HRT would enhance the tactical intelligence gathering and crisis management capability of the Team. Increasing the Team's size would also facilitate the HRT's critical equipment and tactical research and development, thereby improving personal safety and enhancing tactical effectiveness.

Regional Drug Intelligence Squads

QUESTION: The Bureau has also requested an increase in funds to establish additional Regional Drug Intelligence Squads (RDISs).

- How do the activities of these squads differ from those of DEA's EPIC? Treasury's FINCEN? The RISS Program?

- What kind of cooperation or interface is there with these other organizations?

ANSWER: The activities of the RDISs are to gather intelligence, the largest contributor being human or "HUMINT," focusing on the drug trafficking organizations that may have the most significant negative impact on our society. By way of contrast, EPIC focuses on drug-specific intelligence, which assists primarily those law enforcement agencies responsible for interdiction. Except for the recently created Organization Intelligence Team (OIT), EPIC does not focus on the constituency of drug trafficking organizations.

The FBI enjoys an excellent relationship with EPIC. In fact, a representative of the FBI serves on the EPIC advisory board, and FBI personnel are assigned to its operation. EPIC has traditionally provided intelligence quite freely to the FBI.

The Department of the Treasury's FINCEN combines the intelligence available through government and public record financial documents to be of assistance to a broad range of law enforcement organizations for a wide variety of criminal violations. FINCEN does not, to the FBI's knowledge, engage in projects which delineate drug trafficking organizational structure.

Discussions are still ongoing between the FBI and the Department of the Treasury to establish a memorandum of understanding. In the meantime, the FBI has assigned an agent to its operation and FINCEN has responded to FBI requests for financial intelligence.

The Regional Information Sharing System (RISS) provides a mechanism for the sharing of information among State and local law enforcement agencies by furnishing the users with a point of contact. The information contained in RISS is non-operational, as it is intended to act as an index and pointer system. The RISS is composed of six systems servicing various geographical areas of the United States and each RISS has its own independent database. Although the RISS is designed primarily for use by State and local law enforcement

agencies, there is some use by Federal agencies, including the FBI.

NCIC 2000

QUESTION: What is the status of the National Crime Information Center project?

ANSWER: The FBI received the request for proposals for NCIC 2000 on January 31, 1992, and has begun the technical evaluation process. Negotiations with vendors will follow the completion of the evaluation. It is anticipated that the contract will be awarded before the end of calendar year 1992. The following is a chronology of the significant events in the NCIC 2000 procurement process that have already taken place:

- 01/29/91 - Automated Information Systems (AIS) request sent to the Department of Justice
- 08/09/91 - Delegation of Procurement Authority received from GSA.
- 09/11/91 - NCIC 2000 Request for Proposals released
- 01/31/92 - Received proposals from vendors
- 02/05/92 - Start technical evaluation process

Weed and Seed

QUESTION: What role will the FBI play in the "Weed and Seed" Initiative? How much has been included in your 1993 budget request for this purpose?

ANSWER: The "Weed and Seed" initiative is an effort to encourage a multi-agency approach to law enforcement and community revitalization. This effort will restore public confidence by initially taking back small neighborhood enclaves from the criminal element and then following with the restitution of service and employment opportunities. The "Weeding" is to be accomplished by intensive law enforcement efforts to remove and incapacitate violent criminals and drug traffickers from targeted neighborhoods and housing developments. The "Seeding" restores the community by providing broad economic and social opportunities developed in cooperation with Federal, State, and local agencies. Through the U.S. Attorneys and the Office of Justice Programs, 16 neighborhoods have been targeted to receive approximately \$1 million each from the Department to begin implementation of the "Weed and Seed" strategy. About one half of that amount will be made available in 1992 and the remainder in 1993, subject to Congressional appropriations.

The FBI has developed a comprehensive violent crimes initiative, "Safe Streets," which complements and addresses the same national problems the "Weed and Seed" program will

address. The spiraling increase in violent crime in the United States requires the FBI to implement a comprehensive and effective national strategy immediately in order to reverse its insidious effects on our communities. "Safe Streets" will be the FBI's contribution to the "Weed and Seed" effort.

In 1993, the Administration is proposing to shift resources (\$47 million and 132 positions/85 special agents) from Foreign Counterintelligence activities to Violent Crime activities in order to address the Safe Streets Initiative. This shift has already been submitted to Congress and will be implemented as outlined in the February 6, 1992 reprogramming notification.

QUESTIONS SUBMITTED BY CONGRESSMAN CARR

Federal Bureau of Investigation

Telemarketing Fraud

QUESTION: Mr. Director, I would like at this time to ask you a few questions about the FBI's efforts to combat the important national problem of telemarketing fraud.

As you know, the House Government Operations Committee in its recent report entitled "The Scourge of Telemarketing Fraud: What Can be Done Against It?", makes a number of recommendations to improve the effectiveness of the FBI in investigating telemarketing fraud. The Government Operations Committee recommends, among other things, that: the FBI reallocate personnel and funds for 1992 to combatting telemarketing fraud and provide additional investigative resources in 1993; and that the FBI participate in a high level working group to coordinate activities among Federal and State enforcement agencies.

What is the FBI doing to implement these and the other recommendations in the Government Operations Committee report?

ANSWER: Attached is a copy of the FBI's response, dated March 20, 1992 to the Honorable Doug Barnard, Jr., Chairman, Subcommittee on Commerce, Consumer, and Monetary Affairs, Committee on Government Operations. The report, "The Scourge of Telemarketing Fraud: What Can be Done Against It?" makes a number of observations, recommendations and suggestions as to how the FBI and other Federal, State and local law enforcement agencies should address the telemarketing fraud crime problem. As set forth in our letter to the Chairman, the FBI has taken steps to address telemarketing fraud from both a reactive and proactive posture. One effective investigative tool is the use of local task forces composed of both federal and local law enforcement personnel with efforts directed against illegal telemarketers. In many instances, this task force concept has proven to be effective and is supported by FBI management. To staff and support

these task forces, the FBI realigned personnel in the respective field offices where the task forces are located. Additional resources, to address telemarketing fraud, are included in the FBI's budget request. The request for the Economic Crimes subprogram within the White-Collar Crime Program includes additional resources for this activity. Field activity enhancements to combat Economic Crimes total 84 positions, 21 workyears and \$5,229,000. The budget justification includes telemarketing fraud, within the increase requested under fraud by wire. If approved, these resources would prove very beneficial in combatting this crime problem.

As a result of the Committee's report, the Department of Justice (DOJ) has established a national working group to combat telemarketing fraud. Representatives from the FBI, Federal Trade Commission, U.S. Secret Service, U.S. Postal Inspection Service, Internal Revenue Service, and others to include representatives from a number of divisions within the DOJ will participate. The first meeting will occur on April 21, 1992.

QUESTION: What else can be done to battle criminal telemarketing fraud?

ANSWER: Additional steps that can be taken to battle telemarketing fraud include improved legislation directed at controlling the telemarketers ability to solicit and accept certain information (such as checking account information) over the telephone. Also, the licensing of telemarketers and the requirement of posting a bond may provide some improvement and act as a deterrent for illegal telemarketers.

Telemarketing fraud is a serious national crime problem and needs to be dealt with effectively. The FBI's request for increased personnel resources in the area of telemarketing fraud will have a significant effect on the FBI's ability to address this crime problem; a problem that will undoubtedly remain with us for the foreseeable future.

QUESTIONS SUBMITTED BY CONGRESSMAN MOLLOHAN

Federal Bureau of Investigation

Integrated Automated Fingerprint Identification System

QUESTION: Would you please describe, in more detail than provided in your testimony, the phases that will be involved in bringing together the Integrated Automated Fingerprint Identification System (IAFIS)? How many phases do you anticipate in the AFIS competition?

ANSWER: The IAFIS initiative is designed to completely modernize and revitalize the critical identification services and work processes of the FBI's Identification Division. The

IAFIS will consist of the following three integrated major systems:

1. Image Transmission Network (ITN) - The first effort is the development and implementation of a paperless environment to support the electronic submission, processing and storage of fingerprint images. The development of the ITN will assist the FBI in providing State and local law enforcement agencies with near immediate access to fingerprint identifications. The specific benefits to be obtained by the ITN will include: 1) enabling positive identification to be accomplished while a subject is still in custody; 2) eliminating the need to physically move fingerprint cards which will provide faster and more reliable service to the users; 3) using an Image Storage and Retrieval System to access fingerprint identification information to prevent "out-of-file" conditions that are currently encountered in a paper-based environment; and 4) completing the ITN effort to provide the capability for complete electronic transfer and processing of fingerprint images, thereby increasing throughput capabilities of the Identification Division.

The preparation of the ITN specifications and the request for proposal (RFP) is currently underway. The RFP is targeted for release in the September/October 1992 time frame leading to a contract award in the March/April 1993 time frame. A subset of the ITN specifications is being released to the industry imminently with a the request for comments (RFC). A draft release of the entire RFP to industry as an RFC is targeted for late summer 1992. To augment the preparation of more complete and accurate specifications, prototyping methodologies are being employed to develop items such as the user/machine interfaces and architectural requirements for incorporating Intelligent Character Recognition into the ITN.

2. Automated Fingerprint Identification System (AFIS) - The second effort is the acquisition and integration of a technologically advanced AFIS which will perform high-speed ten-print searches utilizing no more than pattern-level fingerprint classifications. The advanced AFIS will include advanced latent fingerprint searching and identification capabilities.

The AFIS acquisition will be accomplished through several phases in accordance with Office of Management and Budget Circular A-109 guidelines. The FBI is currently working with the General Services Administration's Federal Computer Acquisition Center to prepare the final RFP materials for the competitive acquisition and compute-off of this system. The initial phase is the concept development stage. This phase will illustrate each vendor's overall concept for designing, developing, integrating, deploying, and supporting a state-of-the-art, high-speed system for capturing, processing, storing, and retrieving fingerprint information. Offerors will provide plans, specifications, and analyses which delineate the hardware, software, telecommunications, and support infrastructure necessary for a complete AFIS architecture. Offerors will also provide, as part of the initial

proposal, design specifications for a basic demonstration model, to display and illustrate the offeror's proposed system solution. Proposals will be evaluated by the federal government, and multiple vendors will be selected to build and operate their basic demonstration models. The second stage is the model demonstration stage. In this stage, selected vendors will develop and demonstrate their basic demonstration models. The models will be required to demonstrate particular system functions considered critical by the FBI. Basic demonstration model functions will be evaluated using test data provided by the FBI. Based on the outcome of the demonstrations, offerors will update their initial proposals to reflect new or changed requirements brought out by the demonstrations. Proposals will be evaluated by the FBI, a final source selection will be made, and the contract will be awarded. The final phase is the systems development and deployment stage. During this phase, the AFIS contractor will develop, produce, implement, and install the full scale AFIS. Deployment will include installation and integration of AFIS into the overall IAFIS environment, and development and implementation of life-cycle support for the system.

3. Interstate Identification Index (III) - The third effort is to upgrade and integrate the III system by adding old criminal history information to the on-line name searching services, expanding key on-line services, and reducing the federal workload by implementing the decentralization of U.S. criminal history records as proposed by the National Fingerprint File concept.

QUESTION: The Office of Technology Assessment recently conducted a study of the Identification Division's relocation and revitalization project. Would you please share with the Committee the FBI's response to the findings of this study?

ANSWER: The Office of Technology Assessment (OTA) published a study in November 1991, titled "The FBI Fingerprint Identification Automation Program: Issues and Options." The report is highly supportive of the FBI's revitalization of the Identification Division. The positive tone and conclusions of the report can be characterized by the following taken from the "Summary" section of the report:

"The overall FBI technical strategy appears, qualitatively, to be sound. The Ident [Identification Division] emphasis on the electronic scanning, transmission, processing, and storage of fingerprints is appropriate, even though the full transition from paper to electronic will take years. The emphasis on developing a common standard for the electronic exchange of fingerprints, rather than a generic fingerprint matching algorithm, is correct; this assures compatibility with all Federal and State/local-automated fingerprint systems. The size of the planned system is reasonable, although the projected file size and

demand for fingerprint checks are still uncertain."

Among other things, OTA endorsed the automation of the Identification Division based on the need for more timely and accurate fingerprint identification and access to criminal history records, e.g., Felon Identification in Firearm Sales initiative. OTA found that FBI cost and workload projections were, in general, to be reasonable and supportable based on available information.

The FBI's strategic plan for revitalization was found to be sound by OTA. OTA supported the FBI's emphasis on "paperless" processing, even though the full transition from paper to electronic by the States may take years.

OTA also recognized the importance of implementation of the National Fingerprint File/Interstate Identification Index (decentralization of criminal history records) and the need for an Interstate Compact.

OTA observed that the relocation of the Identification Division to Clarksburg, West Virginia, should result in a more stable workforce, leading to a "break from the past and establish[ing] a new state-of-the-art facility with a re-energized workforce."

In summary, OTA found: "The U.S. Department of Justice agencies involved with criminal record systems and record quality improvement -- the FBI, BJA [Bureau of Justice Assistance], and BJS [Bureau of Justice Statistics] -- have an opportunity to coordinate their efforts. Effective collaboration over the next ten years could ensure that by 2000, the Nation will have a substantially automated and complete criminal identification and record system."

This study by OTA complements an earlier study by OTA titled "Report on Automated Checks of Firearm Purchasers: Options and Issues." Throughout both studies, OTA allowed all interested parties to review draft reports, submit comments, and participate in workshops, all prior to publication of the report. Parties as diverse as the National Rifle Association and the American Civil Liberties Union participated in this process. Both studies by the OTA have benefitted the FBI by bringing to light factors that must be examined in detail as the Identification Division moves forward with automation, and by presenting an objective report that other parties may use to assess options and the direction of these very important law enforcement initiatives.

The FBI is working extremely closely with all users of the Identification Division's services to insure that the needs of the users will be fully addressed. The FBI values their expertise and experience in the automation of their own criminal history records. Recently, a study has been completed of the specification requirements for the fully

automated fingerprint identification system. Over 400 copies of the IAFIS request for comments (RFC) have been distributed to industry, user groups, and Government agencies. This RFC included IAFIS orientation materials, the IAFIS system requirements definition, and the AFIS functional and performance specifications. In response to the RFC, over 800 individual comments from industry and government representatives have been received. These comments have been analyzed and incorporated, as warranted, after consultation with the NCIC Advisory Policy Board members and State representatives at regional working group conferences.

Director Sessions stated in response to the OTA study: "I welcome the positive contributions that OTA has made to this essential law enforcement initiative. Issues identified in the report will be closely examined to ensure that the revitalization of the Identification Division will be successfully completed. In today's world of violent and transient criminals, a national system that can positively and on a timely basis identify criminals and provide criminal history records is of a crisis proportion. The FBI's revitalization of the Identification Division provides the opportunity to provide that service to all law enforcement agencies. I am particularly grateful to OTA for their study and the support the FBI is receiving from the Attorney General, Congress, law enforcement, and the public. This initiative will move law enforcement into the 21st century."

QUESTIONS SUBMITTED BY CONGRESSMAN ROGERS

Federal Bureau of Investigation

Counterterrorism

QUESTION: Within your counterterrorism budget, you are proposing to expand the Hostage Rescue Team. Are there incidents we cannot respond properly to with the existing team?

ANSWER: With the current staffing level of 51 agents, the Hostage Rescue Team (HRT) would experience significant difficulties in responding to multiple incident sites or hostage situations, or larger targets such as cruise ships, oil rigs, or wide-body aircraft.

In the event of an extended crisis situation, the HRT is currently capable of only partial extended coverage by sniper/observer teams of a large building or aircraft due to current personnel constraints. Ideally, 24-hour operations require shift work to cover all sides of a crisis site, if possible, which quickly consumes personnel resources during an extended period of time.

In 1989, the Attorney General requested that the entire HRT be deployed to St. Croix, Virgin Islands, to assist local law enforcement authorities in restoring law and order to the island after extensive destruction of the island's infra-

structure by Hurricane Hugo. Massive looting by island inhabitants took place in the aftermath, and a significant number of potentially dangerous prisoners had escaped the island's prison. Both were law enforcement problems which could not be addressed by the local authorities. Inasmuch as the entire HRT had been deployed outside the continental United States for approximately 10 days, any incidents which may have occurred within the United States during this time frame could not have been addressed by the HRT in an expeditious manner. In this situation, an additional 24 HRT agents would have allowed one team of agents to remain in the Nation's Capitol to respond to a domestic crisis incident.

Additionally, during 1987, the HRT responded to prison hostage situations in Atlanta, Georgia, and Oakdale, Louisiana. These Federal prisons were seized by Cuban prisoners protesting their imminent deportation to Cuba. The entire HRT was deployed to respond in each case. Unlike the 1991 takeover of one isolated prison cell-block in Talladega, Alabama, the crisis sites at Atlanta and Oakdale encompassed the entire prison area. Therefore, the HRT required assistance from FBI Special Weapons and Tactics, Bureau of Prisons personnel, and personnel from other law enforcement agencies, in each instance. Although these units could provide perimeter support to the HRT, their tactical capabilities are not comparable to the HRT. For instance, support involving sophisticated tactical techniques could not be obtained from these units. Without full-time coordination and training of additional HRT personnel, the HRT's ability to operate as a law enforcement tactical element is limited in situations such as this.

It should be noted that without the proper investigative personnel on-scene at a crisis situation, evidence which could be used in criminal prosecution may not be handled properly. Each HRT member is an experienced investigator; therefore, collection of evidence, crime scene searches, arrests, and legal prosecution may be effected in concert with tactical operations, thus assuring the most professional adherence to Federal legal principles.

Operational assistance from the United States military is not a viable option inasmuch as military personnel are not educated in Federal criminal procedures, are not oriented toward law enforcement objectives, and are not experienced in testifying in criminal prosecutions. Moreover, the principle of posse comitatus prohibits the military from a direct role in domestic law enforcement activities. Further, because United States military units may possess a different perspective from that of the FBI, the HRT's focus on safeguarding lives could be jeopardized.

QUESTION: How many situations has the Hostage Rescue Team responded to over the past five years?

ANSWER: The HRT has been involved in 51 operational deployments in the past five years.

QUESTION: Did any involve overseas deployments?

ANSWER: The HRT has been involved in five overseas deployments in the past five years. These deployments involved investigative or training assistance to foreign law enforcement agencies in connection with the HRT's liaison responsibilities, or operational deployments involving the FBI's extraterritorial law enforcement responsibilities.

For example, on September 13, 1987, Fawaz Younis, a member of Amal, a Beirut, Lebanon, based religious-political organization whose members have engaged in acts of terrorism, was arrested by the HRT in international waters of the Mediterranean Sea pursuant to a Federal arrest warrant. Younis was arrested for his participation in the June 11, 1985, hijacking of Royal Jordanian Alia Airlines Flight 402 on route from Beirut, Lebanon to Amman, Jordan. Younis' arrest resulted from an FBI investigation and succeeded with the cooperation of a number of other Federal agencies. On September 17, 1987, Younis was arraigned on charges of hostage-taking, conspiracy, and destruction of an aircraft. On October 6, 1987, additional charges were filed against Younis to include air piracy, placing a destructive device aboard an aircraft, and committing violence aboard an aircraft. On March 14, 1989, Younis was convicted of conspiracy, hostage-taking, and air piracy and subsequently sentenced to 30 years in prison.

Younis' arrest marked the first time an individual was returned to the United States to face charges for violating extraterritorial legislation (see 18 United States Code Section 1203 (Hostage Taking)).

QUESTION: Why do you need \$678,000 to expand the Hostage Rescue Team operations center?

ANSWER: An expansion of approximately 6,000 square feet must be built next to the existing HRT Administration and Operations Center at the FBI Academy, Quantico, Virginia. The building addition would consist of a reinforced concrete foundation, structural steel frame, matching exterior, and climate-controlled interior.

This addition would ensure a secure working environment for the HRT. The current space is crowded and inadequate. There is not enough space for the Team's current complement, the additional 24 agents requested for 1993, and HRT equipment. This addition would ensure that equipment is stored properly and ready for quick deployment.

Architectural/engineering fees of \$80,000 would include preliminary design, design development, contract preparation, and construction administration. Construction costs of \$598,000 would include site preparation, connection to utilities, construction, heating/air conditioning, and finished interior.

The total cost of \$678,000 includes a 15-percent contingency cost to accommodate as yet undefined expenses. The architectural/engineering procedures would be completed during the first year and in the second year the facility would be built.

White-Collar Crime Program

QUESTION: You have also budgeted an additional 25 agents for computer crimes. The Michelangelo virus of last week caught national attention; however, business journals portray this kind of infiltration as a weekly problem.

What type of strategy are you using to target computer crime perpetrators?

ANSWER: Computer network intrusions, as well as damage caused on any particular computer or computer system, are evaluated on a case-by-case basis. After a problem is identified, the facts of the complaint are reviewed and, if the facts warrant, the matter is presented to the appropriate United States Attorney for a prosecutive opinion. If the United States Attorney concurs that a prosecutable Federal crime has occurred, the matter will then be fully investigated and presented for prosecution.

In addition, a Computer Crimes Squad has been established at the Washington Metropolitan Field Office in order to address computer crimes that require special investigative expertise. Included among the investigations conducted by this squad are those in which the intruders reside outside the United States. Also, the FBI Laboratory has established an analytical response team that has both the special equipment and expertise needed to review computer data and software. This response team will also travel on-site to perform their analysis if necessary and assist in the execution of search warrants.

QUESTION: What Federal statutes are these crimes subject to?

ANSWER: Computer crimes can be prosecuted using a variety of statutes depending upon the specifics of the particular matter. The most applicable United States Code provision is:

Title 18 Section 1030 - Computer Fraud and Abuse

If the elements of this statute are not satisfied, consideration can be given to the following statutes:

Title 18 Section 2701 - Unlawful Access to Stored Communications

Title 18 Section 641 - Theft of Government Property

Title 18 Section 1341 - Mail Fraud

Title 18 Section 1343 - Wire Fraud

If the computer crime involves a threat to national security or intrusion by a foreign government or agent of a foreign

government, prosecution under the following statutes can also be considered:

Title 18 Section 793 - Espionage
 Title 18 Section 794 - Espionage
 Title 18 Section 798 - Espionage

Organized Crime -- Asian Gangs

QUESTION: Should we all breathe a sigh of relief if the Government is successful in convicting John Gotti, or will the La Cosa Nostra organization merely adjust its tactics?

ANSWER: The prosecution of John Gotti is important to the FBI, the Organized Crime Program (OCP), and to our system of justice. This prosecution addresses a powerful and unifying force within the largest and most influential of La Cosa Nostra (LCN) families. It has the potential to surface additional cooperative witnesses, force the LCN to replace and realign its hierarchy, and expose more of its control of and influence in legitimate businesses and unions. However, to suggest the demise of the LCN based on the successful prosecution of John Gotti is unrealistic. In fact, most of the predictions of the LCN's early demise are prematurely based on the very recent development of high-level family witnesses who are furnishing new information on the LCN and who may testify in current and future trials. The LCN will replace Gotti. ~~The LCN is also still accepting new members.~~ There is no doubt that the FBI has had a tremendous effect on the ability of the LCN as a whole to operate as freely and effectively as they once did. The recently enacted Department of Justice Organized Crime National Strategy cited the LCN as the continuing primary organized crime problem in the United States and validated the FBI's long-range plans to address this problem as the number one initiative in its OCP.

QUESTION: Why are you placing emphasis on Asian Gang infiltration? Do Asian gangs operate as competing interests, or are there signs of cooperative ventures? What happens when Hong Kong gangs, now reveling in an open society, become subject to the constraints of the Peoples Republic of China (PRC)?

ANSWER: The FBI's investigative emphasis is on established Asian criminal enterprises. The FBI and DOJ Organized Crime National Strategies (OCNS) identifies Asian Organized Crime (AOC) groups as a priority subprogram. AOC groups included in the OCNS are Chinese Triads, criminally-influenced Tongs, subordinate Asian Street Enterprises, and the Japanese Boryokudan. The Triads and Tongs utilize the subordinate street enterprises for protection of their illicit racketeering activities and as an enforcement arm. In addition, these street groups will also independently engage in their own criminal activity such as extortion, prostitution, and narcotics trafficking.

Based on an evaluation of the FBI's AOC intelligence base, the FBI believes that the 1997 return of Hong Kong to the

Peoples Republic of China (PRC) and the attendant immigration of Triad members, Triad associates, and street enterprise members will result in a dramatic rise in AOC criminal activity in the United States as well as other Western democracies (Canada, Australia, and Europe).

Historically, the PRC has met Triad criminal activity with brutal force. It is unlikely that they will remain in Hong Kong after the change in government. These groups will relocate to other countries such as Canada, Australia, and the United States. Chinese Triads, criminally-influenced Tongs and the Japanese Boryokudan (Yakuza) already have a presence in the United States, and it is anticipated that many Triad members will attempt to enter the United States prior to 1997.

As previously stated, the FBI is addressing the AOC problem as a priority sub-program in its OCNS. FBI successes against AOC criminal activity, Chinese Organized Crime in particular, will dissuade Triad members from attempting to establish a significant organizational presence in the United States. The size of the Triads alone would have an exponential impact on organized criminal activity in the United States. The difference between LCN and AOC lies in the size of the criminal enterprises and the AOC propensity for extreme violence. In addition, the cultural distinction of AOC provides logistical problems for the law enforcement community in the investigation of AOC matters.

Currently, AOC in the United States can be compared to LCN in the early part of this century. AOC thrives on criminal activities targeting their particular ethnic group. A significant unchecked increase in AOC membership would allow them to greatly expand their criminal activities to all segments of United States society and put AOC on par with LCN.

Many AOC groups are highly mobile and have family or associates in various parts of the United States. This mobility supplies those involved in criminal activity with convenient "safe" havens in the homes of relatives or associates. Chinese Triad membership is estimated by the Royal Hong Kong Police to be at 80,000 to 100,000 world wide. The Japanese Boryokudan is equally large and is believed to control 26,000 legitimate businesses.

Inherently, Asian gangs operating in close-knit Asian communities usually have competing interests for their own economic advancement as well as for reasons of ethnicity. It is important to note that all Asian gangs do not come from the same countries or provinces within the same country. This often leads to violent confrontations between rival Asian gangs for control of the illegal activities that generate the gang income: drugs, gambling, extortion, loansharking, etc.

In certain United States cities where the more-sophisticated, highly-structured AOC groups such as Chinese Triads and

criminally-influenced Tongs have strict control over the illegal activities in the Asian communities, rival Asian gangs have been used to the benefit of these AOC groups. There have been instances where rival Asian gang factions have cooperated and even merged with other Asian gangs.

AOC groups are known to be involved with the LCN in the area of heroin trafficking and gambling.

QUESTION: Are these groups finding refuge for their financial assets in the United States? In what form?

ANSWER: AOC groups in the United States are placing the proceeds from their illegal activities both here and abroad. In the United States, AOC groups are known to be purchasing real estate in their areas of operation. Restaurants, bars, social clubs, and other cash flow businesses offer these groups an excellent "front" to continue their illegal operations as well as launder their funds.

As a major center for international banking, Hong Kong is a conduit for AOC groups to move their money out of the United States and reinvest in lucrative legal and illegal businesses. A significant amount of proceeds from heroin trafficking by these groups in the United States is sent through Hong Kong.

There are indications that the Japanese Boryokudan have been actively investing proceeds from their illegal operations in Japan into various United States businesses. Golf courses, large land purchases, hotels, and casino rights are examples of property allegedly being sought.

Fingerprint Identification Division

QUESTION: Provide an overview of how you are using the \$48 million provided last year, the justification for the \$100 million for the Identification Division in next year's budget, and the status of construction at the West Virginia facility.

ANSWER: The \$48 million enhancement for the Integrated Automated Fingerprint Identification System (IAFIS) initiative is being used to support the Automated Fingerprint Identification System (AFIS) and the Image Transmission Network (ITN) projects. A total of \$40 million of the \$48 million is allocated for the competitive AFIS/FBI concept exploration. The General Services Administration Federal Computer Acquisition Center (GSA-FEDCAC) has been selected as the acquisition agency for the AFIS/FBI, and will be working closely with the FBI project team to prepare the final request for proposal materials for the competitive acquisition and "compute-off" (using Office of Management and Budget Circular A-109 methodology) of this system. The remaining \$8 million of the \$48 million is being used for ITN engineering studies and the acquisition of fingerprint card scanners that will be used for the image conversion of the FBI's fingerprint card master file.

The \$100 million requested in the 1993 budget will be used to support the ITN effort and the Fingerprint Card Conversion effort. The following provides the overall requirements and the justification supporting these requirements:

- ITN - \$50 million is requested to acquire the initial suite of computer hardware and peripheral equipment necessary to begin full-scale development of the ITN. A competitive acquisition will be used to obtain a vendor for the development of the ITN/FBI system.
- Fingerprint Card Conversion - \$50 million is requested to support fingerprint card conversion. Specifically, the funding was requested to acquire contract services to convert the 31,700,000 criminal master fingerprint cards to an image format between 1993 and 1995 and to support the conversion from image to minutiae. The total cost for this conversion project is estimated to be \$55.5 million, or \$1.75 per card. This estimate is based upon costs being incurred by States currently completing similar work.

The construction of the Identification Division facility in Clarksburg, West Virginia, is scheduled for completion in November 1994. Building occupancy is scheduled to occur in the spring or summer of 1995.

This construction effort is the result of the award of six concurrent construction contracts as follows:

Bid Package 1 - This contract is for site roads, utilities, and excavation. This contract was awarded on October 15, 1991, for \$18.1 million to the Bell BCI Company of Rochester, New York. Contract work is scheduled for completion in December 1992.

Bid Package 2 - This contract is for foundations, fabrication and erection of structural steel, metal decks and concrete supported floor slabs, and construction of the computer center concrete shell. This bid package was advertised on March 20, 1992, in the Commerce Business Daily. Bids are due on April 21, 1992. It is anticipated this contract will be awarded in May 1992, and construction will commence in June 1992. Construction completion is scheduled for June 1993.

Bid Package 3 - This contract is for the construction of a shipping and receiving warehouse and vehicle maintenance facility. Bids were received on March 11, 1992. Contract award will occur in April 1992. Construction should commence in May and be completed by April 1993.

Bid Package 4 - This contract is for construction of the facility central plant and computer center fit-up. Design documentation is currently at the 30-percent level of completion and is scheduled for completion by late November 1992. This bid package will be released in December 1992. Contract award is anticipated in March 1993. Construction

should commence in April 1993 with completion by November 1994.

Bid Package 5 - This contract is for the acquisition of power generation and heat recovery equipment for the central plant. Turbine generator equipment bids are due on March 27, 1992. Contract award is anticipated in May 1992 with delivery of equipment completed by April 1993. The heat recovery equipment will be bid in July 1992. Contract award is anticipated in August 1992 with equipment delivery completed by April 1993.

Bid Package 6 - This contract is for the construction of the main office building, cafeteria, and auditorium. This bid package is currently at the 90-percent level of design completion. It will be released for bids in May 1992. Bids will be due in July 1992. Contract award is anticipated by December 1992. Construction should commence by January 1993 and construction completed by November 1994.

Design development is being supported by the project architectural and engineering (A&E) firm, Smith, Hinchman and Grylls Associates, Inc., of Detroit, Michigan. On-site construction management is being directly managed by the FBI and supported by the project A&E firm and their subcontractor, Bechtel National, Inc.

QUESTION: As I understand it, you are budgeting to convert 32 million prints to an electronic format over a three-year period. Does this involve conversion of all criminal fingerprint cards in your files, or are you stopping at a certain date?

ANSWER: Not all criminal fingerprint cards will have to be converted. There are already about 3,200,000 fingerprint cards that will not be converted due to minimal activity. These 3,200,000 cards represent individuals with a date of birth in 1928 or earlier, with a first arrest prior to 1974.

QUESTION: Explain your estimate of \$50 million for fingerprint conversion.

ANSWER: Specifically, the funding is requested to acquire contract services to convert the 31,700,000 criminal master fingerprint cards to an image format between 1993 and 1995 and to support the conversion from image to minutiae. The total cost estimate for this project is \$55.5 million to convert 31.7 million cards, based on a unit cost of \$1.75 per card. This unit cost is based upon the experience of States currently performing similar work.

QUESTION: Since you are contracting this work out, why did you decide to purchase the fingerprint scanning equipment instead of having the future vendor provide it?

ANSWER: The critical objective is for the fingerprint card file to be converted to images to coincide with the start-up of the ITN. The AFIS vendor will not be selected and in a

position to convert fingerprint images until well after ITN becomes operational. Waiting for an AFIS vendor to perform the image conversion would seriously impede the ITN implementation schedule and incur unnecessary additional costs and operation impediments. The FBI is developing a fingerprint scanner that has a much greater capacity than those of existing AFIS vendors, a factor related to the size and scale of the FBI's conversion efforts. These scanners, which will be acquired in 1992, will be used by FBI personnel after the completion of the fingerprint card image conversion to process fingerprint cards submitted by States without electronic processing capabilities. By providing Government equipment to perform the image conversion, it will eliminate the need for vendors to acquire the same equipment and include that cost as part of the contract.

QUESTION: It seems you would need to further develop the Image Transmission Network system prior to spending \$50 million to transfer the criminal fingerprint files to electronic images. What impact would there be if the \$50 million fingerprint card conversion request was reduced or deferred?

ANSWER: The successful installation and operation of the ITN is dependent upon the parallel conversion of fingerprint cards from the current manual card format to electronic image format. These images will form the fingerprint image database that will be used to identify individuals and against which fingerprints recovered at crime scenes will be compared. In order to accomplish this conversion, it is imperative that contracts be awarded and conversion begin in 1993. If the \$50 million is not received, the contracts cannot be awarded and the start of the conversion will be delayed. This delay will result in the IAFIS operating as a 'split system' between West Virginia and FBI Headquarters, Washington, D.C., until the conversion has been complete. This split system will result in additional costs and many inefficiencies; for example, the Washington, D.C., computers will have to be maintained; telecommunications between West Virginia and Washington, D.C. will have to be increased; physical space will have to be maintained in Washington, D.C.; the NCIC classification system will have to be maintained; substantial additional personnel will have to be maintained in Washington, D.C.; and ITN equipment will have to be established at both sites.

QUESTION: The 1992 Department of Justice Appropriations Act and the accompanying conference report contained funds and instructions with respect to a Special Program Office for the IAFIS project. Are you complying with this directive?

ANSWER: Yes. The program office is being implemented as part of an overall proposed reorganization of FBI automated information services that serve the criminal justice community. To ensure development efforts are completely coordinated and provide the best services available, the FBI is proposing the establishment of a new Criminal Justice Information Services (CJIS) Division.

The establishment of the CJIS Division at FBI Headquarters will satisfy the requirement to create a separate program office from the Identification Division to oversee the development of the IAFIS project. As envisioned, the Assistant Director and Deputy Assistant Director will develop the structure of the program office. Each Deputy Assistant Director will be responsible for one or more major functional area(s) cited by Congress, i.e., administration/budget and finance, systems development, and user support operations. The FBI is in the process of selecting candidates for the key CJIS Division positions. Recently, the Director announced that Norman Christensen, Assistant Director of the Information Management Division would become the head of the CJIS Division.

Violent Gang Initiative

QUESTION: Have you arrived at where you will devote all the new agents assigned to the Violent Gang effort? If so, please provide a list of agent resources by city for the record.

ANSWER: The 300 special agents assigned to the Violent Crime Initiative in 1992 have been allocated as shown below. Another, though less substantial, reprogramming of agents under this initiative is anticipated in 1993, at which time they will be assigned based on need.

| | | | |
|--------------|----|-----------------|----|
| Albuquerque | 2 | Little Rock | 2 |
| Atlanta | 10 | Los Angeles | 22 |
| Baltimore | 18 | Miami | 11 |
| Boston | 9 | Newark | 9 |
| Buffalo | 4 | New Haven | 2 |
| Charlotte | 5 | New Orleans | 3 |
| Chicago | 18 | New York | 22 |
| Cincinnati | 3 | Oklahoma City | 3 |
| Cleveland | 8 | Philadelphia | 14 |
| Columbia | 4 | Phoenix | 4 |
| Dallas | 13 | Pittsburgh | 3 |
| Denver | 4 | Portland | 3 |
| Detroit | 10 | Sacramento | 9 |
| El Paso | 2 | St. Louis | 4 |
| Honolulu | 2 | Salt Lake City | 4 |
| Houston | 12 | San Antonio | 4 |
| Indianapolis | 3 | San Diego | 10 |
| Kansas City | 8 | San Francisco | 10 |
| Las Vegas | 3 | Seattle | 5 |
| | | Washington D.C. | 18 |

QUESTION: How are you assessing where to place agent resources nationwide?

ANSWER: In determining how the reprogrammed resources were to be allocated, the FBI reviewed various violent crime problems across the country, in cooperation with State and local law enforcement officials, and developed a national strategy to target violent street crime as well as gang and drug related violence. Projecting short and long-term

resource needs has been accomplished through contacts with local law enforcement, analysis of FBI field-wide surveys, reviews of existing intelligence bases developed through investigations, and Uniform Crime Reports.

QUESTION: Will FBI agents have a street presence as part of their investigatory and intelligence-gathering roles?

ANSWER: More than ever before, FBI agents are working shoulder-to-shoulder with State and local law enforcement officers in combatting street drug and gang related violence, which has proven itself to be beyond the control of any single agency. FBI-sponsored Violent Crime and Fugitive Task Forces have a proven track record in acting as a catalyst to unite the strengths of a number of agencies to address this problem. The FBI's technical expertise and interstate coverage of leads has proven an excellent complement to State and local coverage of the streets.

QUESTION: Is it your intent to help build cases exclusively for prosecution under Federal statutes, or will some rely on State laws and judicial resources?

ANSWER: Numerous Federal statutes, including the RICO statute and the Interstate Transportation in Aid of Racketeering (ITAR) statute, are appropriate in targeting continuing criminal enterprises such as street gangs that are involved in violent crime. Violators of such statutes will be prosecuted in Federal courts, which will place an increased demand upon them. The commission of State and local felony offenses will be used as predicate offenses in charging RICO violations against street gangs.

Digital Telephony

QUESTION: You have requested increases to allow you to adapt your telephone intercept methods to digital telephone technology. What is the cost impact of having to adapt to digital telephone services over future years?

ANSWER: The FBI has performed a first-order estimate and determined that the cost of addressing the technologies that appear to be emerging in the 1990's would range from \$220 to \$380 million.

Future years will produce new generations of telecommunications technologies which will impact on the FBI's ability to accomplish court-authorized intercepts. The introduction of these technologies will be dependent on the economy, regulations, consumer acceptance, etc.

QUESTION: Can you describe the legislation you are proposing in this area?

ANSWER: The proposed legislation requires the providers of electronic communication services and private branch exchange operators to make the necessary modifications to their

systems to eliminate impediments to the ability of the government to lawfully intercept communications.

The proposed legislation also prohibits the use by electronic communication services and private branch exchange operators of any telecommunications equipment or technology which does not comply with promulgated administrative regulations.

The Federal Communications Commission (FCC) is required to issue regulations within 120 days of enactment of the proposed legislation. Electronic communication service providers and private branch exchange operators will have 180 days to comply with these regulations after the FCC issues them. The proposed legislation provides for a civil penalty of \$10,000 per day for each day in violation of these regulations. In addition to the civil penalty, the proposed legislation also gives the Attorney General of the United States injunctive relief against those electronic communication service providers and private branch exchange operators who fail to comply.

The proposed legislation authorizes the compensation of any electronic communication service providers or other entities whose rate or charges are subject to FCC jurisdiction for reasonable costs associated with the necessary modifications of existing telecommunication equipment or technologies to comply with the provisions of the proposed legislation or with the regulations promulgated by the FCC in accordance with this legislation.

QUESTION: To what degree would your costs be mitigated by enactment of the legislation under discussion with the Congress?

ANSWER: The enactment of the proposed legislation would reduce the cost to the FBI of retrofitting existing systems and employing intercept technology into future systems. However, as is the case today, the FBI will still need to develop technology to collect and process the information after accessing the communications of the authorized intercept.

Fugitive Apprehension Activity

QUESTION: Both the FBI and the United States Marshals Service have requested funds in 1993 for fugitives covered by Federal warrants. In addition, the FBI is requesting funds to assist State and local governments obtain fugitives fleeing across State lines. Can you explain the difference between the efforts of the two Justice agencies?

ANSWER: In 1993, neither the FBI nor the United States Marshals Service are requesting enhancements for apprehension of fugitives; however, base funding for both programs is continued.

The Fugitive Felon Act was enacted by Congress on May 8, 1934, and specifically assigned the responsibility for the

apprehension of Unlawful Flight to Avoid Prosecution/Confinement fugitives to the FBI. The mission of the FBI Fugitive Subprogram is to detect the location, and effect the apprehension of State and local fugitives who have fled the State's jurisdiction. This responsibility has become a cornerstone in the FBI's relationship with State and local police agencies in combatting crimes of violence. The FBI sponsors the task force concept as a further aid in addressing violent crime, such as the highly successful Violent Crime and Fugitive Task Forces currently in place in many cities as part of the FBI Violent Crime Initiative.

The United States Marshals Service has apprehension responsibility for escaped Federal prisoners, probationers, parolees, those on mandatory release, and bond default violators, as well as most DEA fugitives.

National Crime Information Center

QUESTION: Please provide an update on the NCIC 2000 effort.

ANSWER: The FBI received request for proposals for NCIC 2000 on January 31, 1992, and has begun the technical evaluation process. Negotiations with vendors will follow the completion of the evaluation. It is anticipated that the contract will be awarded before the end of calendar year 1992. The following is a chronology of the significant events in the NCIC 2000 procurement process that have already taken place:

- 01/29/91 - Automated Information Systems (AIS) request sent to the Department of Justice.
- 08/09/91 - Delegation of Procurement Authority received from GSA.
- 09/11/91 - NCIC 2000 Request for Proposals released.
- 01/31/92 - Received proposals from vendors.
- 02/05/92 - Started technical evaluation process.

QUESTION: What types of information may NCIC 2000 provide that would be of assistance in enforcing Federal immigration laws, such as those which prohibit ineligible aliens from employment?

ANSWER: The National Crime Information Center (NCIC) provides documented criminal justice information concerning wanted persons, stolen and felony vehicles, and criminal history information. This system is currently used to assist the Immigration and Naturalization Service (INS) in locating and apprehending illegal aliens sought for criminal violations of the Immigration and Naturalization Act. NCIC allows INS to share information concerning these wanted aliens with local and State law enforcement agencies.

NCIC 2000 will provide enhanced capabilities for identification and apprehension of these aliens. On-line storage of

photographic and fingerprint data for illegal aliens meeting INS criteria will provide positive identification, assisting in the apprehension of many illegal aliens using false identification.

AFF Capital Surplus Construction Items

QUESTION: You are anticipating the availability of \$23,030,000 from the Assets Forfeiture Fund for a variety of construction items not included in your 1993 appropriations request.

Please rank the items included by priority, and identify which, if any, were part of prior year requests to Congress.

ANSWER: The ranking of the items included in the \$23,030,000 is as follows:

1. Training Construction - \$7,330,000
2. Surreptitious Entry - \$5,200,000
3. Replacement automobiles - \$10,500,000

In 1992, the FBI request to Congress included \$14,000,000 for replacement automobiles; no request was included for either surreptitious entry or training construction in the 1992 request to Congress.

QUESTION: Of the amount requested, \$1.8 million is included for A&E work on a new firearms training center to be located on or nearby the Quantico Training Academy.

How many firearms training ranges are currently available for Academy use?

ANSWER: There are 10 firearms training ranges at the FBI Academy. These consist of three basic handgun and seven specialized ranges for shooting steel or moving targets, high powered rifles, "combat" courses, or in reduced lighting conditions.

Non-range facilities which support firearms training are inadequate. Limited access, high security weapon and ammunition storage areas are one-half the minimum size required. Weapon check-in/check-out areas are small and chronically congested. Weapon cleaning areas can efficiently handle 30 to 40 students, but routinely must accommodate 3 to 4 times that number. The cleaning room is located in a building which also houses the Academy dining facility and numerous offices. Moreover, the existing training complex has only one classroom. At least two classrooms are required for the firearms training program.

QUESTION: Would the existing Academy range facilities accommodate the additional student days expected when the new Justice Department Training Facility is completed? If not, please justify.

ANSWER: The existing FBI Academy range complex cannot currently accommodate the mandated training needs of a full FBI/DEA student complement. During peak class loads, students are forced to use ranges unsuitable for the type of training being conducted, or must train on weekends or during the evening to use appropriate facilities. During such periods of maximum usage, training for other priority users such as the Hostage Rescue Team, the United States Marine Corps, and Capitol Police must be canceled. It is for that reason that the Administration is planning to use \$1.8 million from the Assets Forfeiture Fund for an architectural and engineering study for a firearms training facility that will accommodate both the FBI and DEA.

QUESTION: Describe your plans for expansion of the Hogan's Alley training area.

ANSWER: The FBI's practical problem training complex, known as Hogan's Alley, is a multi-use, realistic environment, training facility. Innovative planning, design, and construction techniques allow the facility to meet a diversity of training and administrative functions at very low cost, without endangering the public. The facility, however, is receiving maximum use, and with additional DEA student capacity planned, expansion must follow.

Law enforcement training is unlike almost all other kinds of training. Law enforcement training frequently necessitates a display of weapons, vehicle stops, street arrest, surveillance, evacuation of neighborhoods, controlling public access and egress, none of which can be practiced on public streets and neighborhoods. Hogan's Alley, therefore, provides a "theater" where students receive practical training, classroom instruction, and practice in new skills and techniques safely removed from the public.

To date, only phase I of the Hogan's Alley master plan has been funded and constructed. From the inception of the practical training complex, a much more extensive facility was envisioned, requiring a multi-year funding approach and a recurring base level of funding. However, all of the existing buildings in Hogan's Alley were funded in one appropriation when the DEA originally collocated at the FBI Academy. Additional funding has not been appropriated to complete the structures that were originally planned.

Because of the space limitations, practical training is generally limited to FBI New and DEA Basic agents. There is, however, a critical unsatisfied need for in-service utilization, and specialized training for the FBI, DEA and other Federal, State and local agencies. In 1991 alone, a practical training exercise occurred in Hogan's Alley on 259 days, for a total of 1,003 training events. In excess of 22,840 students spent more than 116,000 training hours in Hogan's Alley. Consequently, expansion of Hogan's Alley is needed along with construction of the Justice Training Facility.

Phase II design and construction plans for Hogan's Alley include the extension of utilities and roads, and construction of a municipal building housing a Magistrates Office, small jail, court room, classrooms, and office accommodations.

QUESTIONS SUBMITTED BY CONGRESSMAN REGULA

Federal Bureau of Investigation

Total Quality Management

QUESTION: I understand that the FBI is implementing Total Quality Management (TQM). Can you please explain TQM and what you hope to achieve by implementing it at the FBI?

ANSWER: TQM is a management philosophy that makes quality the primary goal of everyone in the organization and continuous improvement a way of life. It integrates fundamental management techniques, existing improvement efforts, and technical tools in a disciplined and focused process. Continuous improvement is focused on meeting and exceeding our customers' requirements. A TQM organization is dynamic, using strategic planning to align itself with the future. It is flexible, in order to respond to changes in demand and environment.

By committing to TQM, the FBI can improve its services to both the general public and to its work force. By working with our customers and suppliers, the FBI hopes to eliminate inefficient work processes, resulting in increased productivity, decreased rework, and reduced costs. From a qualitative standpoint, TQM will foster an organizational culture focused on participative management, continuous improvement and innovation, promoting a work force that cares about their work, is success oriented and highly motivated. This too, should reduce turnover costs and increase productivity.

QUESTION: Will TQM work in the Government and does Government need it?

ANSWER: Government organizations that use TQM agree that it is fundamentally different from traditional management. It has been used with a great deal of success in all types of public service functions such as procurement, personnel, accounting, investigation, law enforcement, and tax collection, to name a few. Currently, the Department of Defense, the Internal Revenue Service, the Commerce Department, the Federal Aviation Administration, and many more Government agencies are successfully implementing TQM.

Private industry uses TQM to compete and survive in the marketplace. For Government, the reasons are better service to citizens, tight budgets, recruiting, keeping the best employees, and, survival too. According to the results of a 1988 survey of consumers by the American Society for Quality, only one in 11 Americans thinks government does a

very satisfactory job in producing quality services. Only 31 percent think the Federal Government is operated competently. If the American public has a right to better service, then the Government needs TQM.

QUESTION: How are you funding your TQM implementation efforts?

ANSWER: The FBI is currently funding all TQM efforts with existing resources. After the FBI received a two-year exemption from performing Office of Management and Budget Circular A-76 management studies, funding earmarked for those studies was reallocated to TQM efforts. The Administrative Services Division (ASD) expended consulting dollars of approximately \$70,000 in 1990 and \$172,000 in 1991 for TQM implementation and anticipates expending \$260,000 in 1992. Additionally, the ASD purchased TQM videotapes and joined quality organizations during the period of 1990 through 1992, expending approximately \$10,000.

QUESTION: What steps has the FBI taken towards implementing TQM and what is planned for the future?

ANSWER: To date, the FBI has taken a divisional approach towards implementing TQM. The Administrative Services, Information Management, Laboratory, Identification, Inspection, and Training Divisions all are in various stages of implementing TQM. Quality infrastructures have been established, improvement opportunities have been identified and prioritized, and quality action teams have been established to tackle those opportunities. ASD is currently developing its own curriculum to decrease dependence on outside consultants. Recently, the Director has tasked his senior management to develop a plan that will pull the divisional efforts together and give an overall vision to the entire FBI. By developing an organizational plan, the FBI will have a consistent approach and eliminate any redundant efforts that may have occurred with divisional plans.

The FBI's hope for the future is to have an organization that is committed from the top down to continuous improvement and exceeding customer expectations. The FBI hopes to create a work environment that attracts and keeps the best and brightest employees and allows them the opportunity to use their full potential. The FBI hopes to tap into that potential unlike any way it has in the past, and use it to remain the premier law enforcement agency in the world.

QUESTION: Has the FBI realized any benefits through implementation of TQM?

ANSWER: While most experts would agree that savings from TQM implementation generally come after several years, the FBI has achieved benefits ahead of schedule. ASD and the Identification Division are currently working together to develop a new printing process for the direct shipment of fingerprint cards to Federal, State, and local law enforcement agencies. If contract negotiations through the Govern-

ment Printing Office develop according to expectations, the FBI has the potential to realize a savings in 1993. The amount cannot be determined until the new contract is in place. Similarly, a new method for issuing purchase orders for Government Printing Office services was developed which should generate a savings of \$45,000 in 1992.

Additionally, efforts were taken in the Information Services Section to improve the cycle time associated with original document processing, resulting in a cycle time reduction from one year (due to backlogs) to one day. Document retention was also reduced by 50 percent. These are just a few of the areas where the FBI has achieved some success. There are currently many other Quality Action Teams working on other areas in hopes of the same type of improvements.

QUESTION: Are there any other ongoing management initiatives in the FBI that may be of interest to the committee?

ANSWER: The FBI is conducting a Study of Field Office Support Staff Requirements. As the complexity and scope of the FBI's investigative programs have increased, the role of field office support work force has expanded and become more complex. One such change has been the increased use of field office support personnel to collect, analyze, interpret, and manage large quantities of evidentiary and intelligence information.

The overall purpose of this study is to develop information necessary for long-range planning for the FBI's support work force. Through this study, the FBI will examine the changing role of its support work force and identify the professional/technical knowledge and skills, which will be required to perform more complex duties. This information is key to development of an infrastructure for recruiting, developing, training, and retaining a high quality work force in the field. Throughout the study, the FBI will evaluate the impact of its policies and procedures to assure that they provide field managers flexibility to respond to changing workload and organizational priorities.

This study will examine the FBI's processes for establishing revised support staff resource levels for field office operations. Historically, the FBI has used staffing ratios to estimate and justify resource requirements and to make resource allocation decisions. Development of new staffing allocation models is critical because of the many changes that are occurring in the FBI's requirements for administrative, clerical, investigative, and technical support staff. The research and analysis done in this phase of the study will quantify requirements and be used to develop models for use in resource allocation.

WEDNESDAY, MARCH 11, 1992.

FEDERAL PRISON SYSTEM

WITNESSES

J. MICHAEL QUINLAN, DIRECTOR, BUREAU OF PRISONS

WADE B. HOUK, ASSISTANT DIRECTOR FOR ADMINISTRATION, BUREAU OF PRISONS

M. WAYNE HUGGINS, DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS

RICHARD P. SEITER, ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION AND VOCATIONAL TRAINING, FEDERAL PRISON INDUSTRIES

ROBIN L. BEUSSE, CHIEF, BUDGET DEVELOPMENT, BUREAU OF PRISONS

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

FEDERAL PRISON SYSTEM BUDGET REQUEST

Mr. EARLY [presiding]. The Committee will come to order.

Continuing with our review of the Department of Justice, we will now hear testimony from the Federal Prison System. For fiscal year 1993, the Prison System requests \$1,895,751,000 for Salaries and Expenses; \$339,225,000 for Buildings and Facilities, and \$11,055,000 for the National Institute of Corrections.

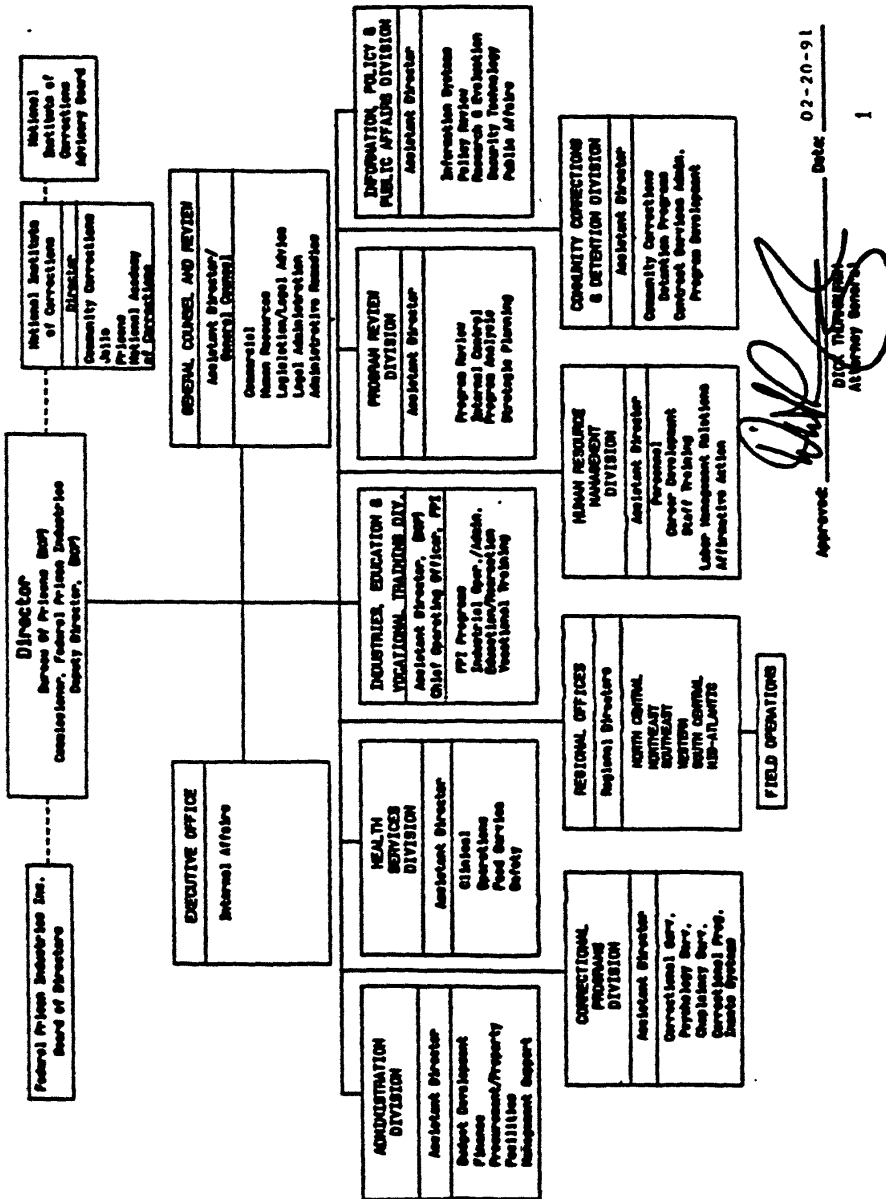
We will insert in the record at this point the Prison System's fiscal year 1993 budget justifications.

[The justifications follow:]

Department of Justice
Federal Prison System
Salaries and expenses
Estimates for Fiscal Year 1973
Table of Contents

| Item | Page Number |
|--|-------------|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language..... | 4 |
| Overview of 1972 Changes..... | 6 |
| Summary of Requirements..... | 7 |
| Summary of Resources by Program..... | 8 |
| Justification of Program and Performance: | 9 |
| Inmate Care..... | 10 |
| Institution Security..... | 11 |
| Unit Management..... | 12 |
| Inmate Programs..... | 13 |
| Institution Administration..... | 14 |
| Staff Training..... | 15 |
| Institution Maintenance..... | 16 |
| Contract Confinement..... | 17 |
| Executive Direction and Control..... | 18 |
| Administrative Services..... | 19 |
| Justification of Multi-Activity Program Changes..... | 20 |
| Financial Analysis - Program Changes..... | 21 |
| Priority Ranking..... | 22 |
| Schedule of Motor Vehicle..... | 23 |
| Relievable Resources..... | 24 |
| Detail of Permanent Positions by Category..... | 25 |
| Summary of Changes..... | 26 |
| Justification of Adjustments to Base..... | 27 |
| Summary of Requirements by Grade and Object Class..... | 28 |
| Executive Direction and Control..... | 29 |
| Administrative Services..... | 30 |
| Justification of Multi-Activity Program Changes..... | 31 |
| Financial Analysis - Program Changes..... | 32 |
| Priority Ranking..... | 33 |
| Schedule of Motor Vehicle..... | 34 |
| Relievable Resources..... | 35 |
| Detail of Permanent Positions by Category..... | 36 |
| Summary of Changes..... | 37 |
| Justification of Adjustments to Base..... | 38 |
| Summary of Requirements by Grade and Object Class..... | 39 |
| Executive Direction and Control..... | 40 |
| Administrative Services..... | 41 |
| Justification of Multi-Activity Program Changes..... | 42 |
| Financial Analysis - Program Changes..... | 43 |
| Priority Ranking..... | 44 |
| Schedule of Motor Vehicle..... | 45 |
| Relievable Resources..... | 46 |
| Detail of Permanent Positions by Category..... | 47 |
| Summary of Changes..... | 48 |
| Justification of Adjustments to Base..... | 49 |
| Summary of Requirements by Grade and Object Class..... | 50 |

FEDERAL BUREAU OF PRISONS



607

Federal Prison System
Salaries and expenses
Summary Statement
Fiscal Year 1993

The Federal Prison System is requesting a total of \$1,895,751,000, 25,000 permanent positions, and 23,330 workyears for "Salaries and expenses" in 1993. This request represents an increase of \$296,831,000, 1,339 positions and 1,627 workyears over the 1992 appropriation.

This appropriation will provide for the custody and care of an average of 74,460 offenders and for the maintenance and operation of 73 penal institutions, 6 regional offices, 2 staff training centers, a central office, and the contract confinement of 7,000 Federal offenders with approximately 395 State and local correctional institutions, 45 juvenile facilities and 335 community residential facilities in 1993. On page 5 is a geographical display of the Federal Prison System.

For 1993, program increases totalling 1,666 positions, 824 workyears and \$179,041,000 are requested to provide for a projected increase in the inmate population) to activate new facilities; to restore program reductions resulting from a permanent 1991 reprogramming action) to provide for escalating contract medical costs, AIDS treatment; and to expand Contract Confinement. Following is a brief summary of each initiative:

Population Increases

The Administration's law enforcement initiatives, especially those directed at major drug trafficking and organized crime, have resulted in a 172 percent increase in the Federal prison population from 25,713 in 1981 to approximately 44,800 inmates today. Recent Departmental statistics indicate that the rate of growth continues to progress at a rapid pace, increasing by about 3,300 inmates a percent since January 1, 1991. Based on the extrapolation of this growth level, Federal courts cases pending, and the impact of "border crime" statistics, the Federal Prison System projects that the average daily institution based population will increase by 2,870 inmates during 1993, from 71,590 to 74,460.

For 1993, a total of \$13,432,000 is requested for subsistence and related support costs of the projected population increase. These additional resources will enable the Federal Prison System to continue to provide for food, medical care, clothing, inmate transportation, security, unit management, education, recreation, psychology, records, and maintenance costs associated with the projected population increase.

Activation of New Facilities

Over the past couple of years, the Bureau has been engaged in the largest capacity expansion effort in its history, with tremendous resources dedicated to the construction of new prisons and the expansion of existing facilities. In 1993 and 1994, the Bureau's capital investments will begin to pay off, with a significant number of past year construction projects coming to fruition, resulting in the largest activation increase in the Bureau's history. For 1993, the Federal Prison System is requesting 1,663 positions, 822 workyears and \$100,540,000 for the activation of the new facilities which will require activation and/or operation resources in 1993. These facilities will add 4,446 critically needed beds, increasing total rated capacity to 33,946 by the end of 1993.

The current population of approximately 44,800 inmates is housed in prison facilities that should confine about 43,800 inmates, resulting in a current overcrowding rate of 148 percent of capacity. With the addition of the 4,446 beds requested in 1993, the Bureau will reduce overcrowding to a level of 44 percent of capacity by 1993. Information on the proposed activations follows:

| Facilities: | Beds | Activation Date | Pos. | LIE | Amount (000's) |
|---|-------|-----------------|-------|-----|----------------|
| Manchester, KY FCI..... | 1,170 | 10/92 | 254 | 189 | \$21,942 |
| Brooklyn, NY DOC..... | 500 | 12/92 | 206 | 174 | 14,401 |
| Florence, CO Complex (minimum, medium)..... | 1,256 | 1/93 | 420 | 315 | 33,043 |
| Allenwood, PA Complex (medium)..... | 768 | 4/93 | 345 | 114 | 17,515 |
| Miami, FL DOC..... | 544 | 9/93 | 368 | 30 | 13,329 |
| Total, Activations..... | 4,640 | | 1,483 | 822 | 100,540 |

The activation dates and accompanying resource requirements listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project, if impacted by uncontrollable events. It is also important to note that staff must be hired 3 months prior to activation and that the lead time for resources required for equipment is 6 to 9 months.

Medical Services

In 1993 the Bureau of Prisons is requesting \$8,725,000 to cover Outside Medical costs and AIDS treatment.

Outside Medical Costs. The Federal Prison System is currently utilizing all of its existing health care capacity. While medical beds will be added through the recently activated Public Health Service facility at Carville, Louisiana; the long-term care unit at Fort Worth, Texas; and a new medical center at Butner, North Carolina (not scheduled to activate until 1995), the Bureau of Prisons will still have inadequate medical care capacity. This situation is exacerbated by the rising number of older inmates and those with drug related illnesses. Consequently, medical surgical, and rehabilitative services must often be provided through contract arrangements in the community. It should be noted that failure to provide competent, timely medical care will lead to costly inmate litigation.

In 1993 the Bureau of Prisons is requesting a program increase of \$4,583,000 for outside medical costs. This increase is based on the Bureau's historical need for the last 2 years of actual experience.

AIDS Treatment. In 1993, \$4,142,000 is required to cover the high cost of AIDS treatment for those inmates who must receive Stage IV HIV and HIV Asymptomatic treatment as recommended by the Center for Disease Control.

Contract Confined

In 1993, the Bureau of Prisons is requesting a total of 3 positions, 2 workyears, and \$41,102,000 for the confinement of Federal prisoners in contract State, local, and private facilities.

Of this amount, \$22,016,000 is requested to fund a 1,000 bed Joint BOP/Immigration and Naturalization Service contract facility in the Southwest. These beds will be used for criminal aliens serving federal sentences, and will serve to centralize criminal aliens in order to expedite their deportation after completion of their sentences.

An additional \$19,441,000 is requested to contract with State and local governments for 1,089 additional beds in 1993. These beds will be used for juveniles, adult offenders and those serving short-term sentences.

Also \$4,516,000 is requested to increase the contract Community Corrections Centers population by 413 in 1993. Obtaining these additional contract beds is a cost-effective means of helping to reduce institution-based overcrowding.

Finally, the Bureau is requesting 3 positions, 2 workyears and \$129,000 to establish three community treatment manager positions to oversee the Drug Abuse Treatment Program.

Unfunded Workyears Resulting from 1991 Permanent Reprogramming

An additional \$18,690,000 is requested to restore program reductions resulting from a permanent reprogramming in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau of Prisons. The total restoration increase of \$5,187,000 in Institution Security is offset by \$3,488,000 which reflects the intention to reduce Bureau overtime by approximately 10 percent.

Map of the United States showing the distribution of Federal Prison Facilities as of August 1968. The map is divided into five regions: Western Region, North Central Region, South Central Region, Mid-Atlantic Region, and Northeast Region. A legend in the bottom left corner defines the symbols used: Regional Office (square), United States Penitentiary (triangle), Federal Correctional Institution (circle), Federal Prison Camp (star), Satellite Federal Prison Camp (square with cross), Metropolitan Federal Detention Center (square with dot), Federal Medical Center (triangle with cross), and FPM Training Center (circle with cross). A legend in the bottom right corner defines the symbols for new facilities: New Facility Currently Being Developed (square with dot), New Facility Currently Being Developed (circle with dot), New Facility Currently Being Developed (square with dot), New Facility Currently Being Developed (circle with dot), New Facility Currently Being Developed (square with dot), and New Facility Currently Being Developed (circle with dot). The map shows a high concentration of facilities in the Northeast and Midwest, with fewer facilities in the West and South. Major cities and states are labeled, and the map includes a scale bar and a north arrow.

Federal Prison System

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Salaries and expenses

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchases (not to exceed 37% of which 122,412 for replacement only) and hire of law enforcement and peace officer vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$1,598,920,000, 1. Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions; 2. Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year; Provided further, That not to exceed \$6,000 for reception and representation expenses; Provided further, That not to exceed \$40,000,000 for the activation of new facilities shall remain available until September 30, (1993);

Provided further, that the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/intermediary claim processor to determine the amount payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS.

1993

(18 U.S.C. 3050, 3059, 3651, 4001, 4002, 4007, 4008, 4011, 4041, 4042, 4081, 4082, 4551, 4552, 4013; Department of Justice and Related Agencies Appropriations Act, 1993; additional authorization legislation to be announced.)

Justification of Changes:

1. The Federal Prison System is requesting changes in the ceilings for new and replacement automobile purchases. In support of the 1993 budget request, the Federal Prison System would require a total authority for purchase of not to exceed 37% motor vehicles of which 344 are for replacement only.
2. The Federal Prison System is requesting authority to contract with a fiscal agent/intermediary claim processor for contract health services to allow for an efficient and centralized payment system.
3. The requested carryover of funds for activation is increased to reflect the current request.

| Activity/Program | 1992 President's Budget Request | | | Congressional Appropriation Action on 1992 Request | | | Adjustments in Perm. Pos. & Workyears | | | Reprogramming | | | 1992 Appropriation Anticipated | | |
|---|---------------------------------|---------------|------------------|--|----------------|------------------|---------------------------------------|--------------|----------------|---------------|--------------|-----------------|--------------------------------|----------------|------------------|
| | Pos | | | Pos | | | Pos | | | Pos | | | Pos | | |
| | WY | WY | Amount | WY | WY | Amount | WY | WY | Amount | WY | WY | Amount | WY | WY | Amount |
| Activity/Program | | | | | | | | | | | | | | | |
| Inmate care, custody and programs: | | | | | | | | | | | | | | | |
| Inmate Care..... | 3,646 | 3,336 | 6403,440 | (617) | (81) | (633,971) | (409) | (409) | (729) | (54) | (54) | (84,800) | 3,467 | 3,191 | 6364,479 |
| Institution Security..... | 9,563 | 8,997 | 306,026 | (197) | (209) | (14,806) | (106) | (106) | (106) | (6) | (6) | (324) | 9,266 | 8,690 | 371,444 |
| Unit Management..... | 3,258 | 3,019 | 164,753 | (52) | (39) | (12,102) | (37) | (37) | (13) | (10) | (10) | (1,509) | 3,156 | 2,933 | 151,151 |
| Inmate Programs..... | 1,645 | 1,415 | 101,601 | (359) | (223) | (46,345) | (118) | (118) | (309) | (89) | (89) | (4,559) | 1,512 | 1,276 | 92,997 |
| Subtotal..... | 18,112 | 16,767 | 1,055,820 | (1,153) | (1,272) | (85,364) | (703) | (703) | (1,161) | (172) | (172) | (10,726) | 17,464 | 16,070 | 978,791 |
| Institution administration and maintenance: | | | | | | | | | | | | | | | |
| Institution Administration..... | 2,630 | 2,613 | 225,640 | (64) | (75) | (14,025) | (29) | (29) | (18) | (16) | (16) | (1,509) | 2,499 | 2,463 | 210,295 |
| Staff Training..... | 374 | 356 | 23,899 | (5) | (5) | (2,177) | (4) | (4) | (4) | (1) | (1) | (343) | 343 | 316 | 36,205 |
| Institution Maintenance..... | 1,879 | 1,738 | 231,051 | (24) | (22) | (60,456) | (21) | (21) | (25) | (25) | (25) | (15,749) | 1,803 | 1,660 | 164,847 |
| Subtotal..... | 4,882 | 4,707 | 480,590 | (111) | (102) | (76,638) | (54) | (54) | (54) | (112) | (112) | (17,325) | 4,665 | 4,441 | 411,307 |
| Contract Confinement..... | 220 | 210 | 112,519 | --- | --- | (5,332) | (2) | (2) | (2) | (20) | (10) | (165) | 196 | 196 | 100,202 |
| Program direction: | | | | | | | | | | | | | | | |
| Executive Direction..... | 529 | 500 | 29,430 | --- | --- | (136) | (7) | (7) | (7) | 101 | 130 | 9,245 | 623 | 623 | 36,537 |
| Administrative Services..... | 419 | 416 | 53,176 | (1) | (1) | (263) | (9) | (9) | (9) | 161 | 164 | 9,660 | 571 | 571 | 62,493 |
| Subtotal..... | 948 | 916 | 82,606 | (1) | (1) | (421) | (15) | (15) | (262) | 262 | 294 | 18,833 | 1,194 | 1,194 | 101,030 |
| Total..... | 24,202 | 22,800 | 1,737,635 | (467) | (433) | (136,819) | (274) | (274) | (274) | --- | --- | --- | 23,461 | 21,903* | 1,596,920 |

Congressional Appropriation Actions: Congress reduced the request for prison activities by \$76,392,000 based on two factors: a revised activation schedule provided by the Department which reduced requirements by \$28,526,000 and the funding of \$47,866,000 of the activation requirements from the Assets Forfeiture Fund. In addition, Congress denied the Department's request for increases for Staff Training (\$2,428,000), Medical Care (\$8,894,000), FMS Integration (\$417,000), Pay Reform (\$5,327,000), GSA Rent (\$338,000) and Payroll Conversion (\$69,000). Also, the request for Contract Confinement funding was reduced from \$10,000,000 to \$5,000,000. Finally, Congress specified that \$37,000,000 in the Institution Maintenance budget will be provided from the Buildings and Facilities appropriation instead of the Salaries and Expenses appropriation.

Reprogramming: The reprogramming of positions and budget authority reflects the permanent effect of the August 5, 1991 reprogramming notification. The reprogramming was necessary to cover the costs of the 1991 pay increase, employee development and program direction needs.

*Excludes 127 reimbursable workyears.

Federal Prison System

Salaries and expenses

Summary of Requirements
(Dollars in thousands)

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | | Perm. Work- | | |
|---|--------------------|--------|-----------|-----------|--------|-------------|---------------|--------|-------------|-------------------|-----|----------|-------------|--------|-------------|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | Years | Amount |
| Adjustments to base: | | | | | | | | | | | | | | | |
| 1992 as enacted..... | | | | | | | | | | | | | 23,735 | 22,177 | \$1,558,920 |
| Adjustments in permanent positions and workyears..... | | | | | | | | | | | | | (274) | (274) | --- |
| 1992 appropriation anticipated..... | | | | | | | | | | | | | 23,461 | 21,903 | 1,558,920 |
| Adjustments in permanent positions and workyears..... | | | | | | | | | | | | | (147) | (147) | --- |
| Mandatory increases..... | | | | | | | | | | | | | ... | 950 | 131,992 |
| Decreases (automatic nonpolicy)..... | | | | | | | | | | | | | 23,314 | 22,708 | 1,718,710 |
| 1993 base..... | | | | | | | | | | | | | | | |
| Estimates by Budget Activity: | | | | | | | | | | | | | | | |
| 1. Inmate care, custody, and programs..... | 17,404 | 18,070 | \$979,791 | 17,295 | 18,064 | \$1,064,956 | 18,532 | 17,288 | \$1,158,089 | 1,237 | 602 | \$93,133 | | | |
| 2. Institution administration and maintenance..... | 4,085 | 4,411 | 411,307 | 4,627 | 4,650 | 437,642 | 5,073 | 4,670 | 482,168 | 446 | 220 | 44,526 | | | |
| 3. Corral confinement..... | 198 | 198 | 108,602 | 198 | 198 | 108,097 | 201 | 200 | 150,479 | 3 | 2 | 41,382 | | | |
| 4. Program direction..... | 1,194 | 1,194 | 101,020 | 1,194 | 1,194 | 108,015 | 1,194 | 1,194 | 108,015 | --- | --- | --- | | | |
| Total..... | 23,461 | 21,903 | 1,558,920 | 23,314 | 22,708 | 1,718,710 | 28,000 | 23,530 | 1,898,751 | 1,686 | 824 | 179,041 | | | |
| EOY Employment: | | | | | | | | | | | | | | | |
| Full - time permanent..... | 23,461 | 127 | 23,598 | 23,314 | 127 | 23,441 | 25,000 | 127 | 25,127 | 1,686 | ... | 1,686 | | | |
| Other..... | 126 | 126 | 126 | 126 | 126 | 126 | 126 | 126 | 126 | --- | --- | --- | | | |
| Total..... | 23,587 | 127 | 23,714 | 23,440 | 127 | 23,567 | 25,126 | 127 | 25,253 | 1,686 | ... | 1,686 | | | |

**Federal Prison System
Estimates and accounts
Summary of Expenses by Program
(Dollars in thousands)**

| | 1991 as Estimated | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--|-------------------|---------------|------------------|--------------------|---------------|------------------|---------------|---------------|------------------|---------------|---------------|------------------|-------------------|---------------|------------------|
| | Perm. | Est. | NY | Perm. | Est. | NY | Perm. | Est. | NY | Perm. | Est. | NY | Perm. | Est. | NY |
| Estimates by Program: | | | | | | | | | | | | | | | |
| Inmate care, custody and programs: | | | | | | | | | | | | | | | |
| Inmate care..... | 3,298 | 3,722 | 829,871 | 2,200 | 2,658 | 826,588 | 3,437 | 3,181 | 834,479 | 3,448 | 3,202 | 833,122 | 3,860 | 3,398 | 843,518 |
| Inmate security..... | 7,718 | 7,718 | 180,214 | 7,718 | 7,718 | 180,214 | 7,718 | 7,718 | 180,214 | 7,718 | 7,718 | 180,214 | 7,718 | 7,718 | 180,214 |
| Unit management..... | 2,848 | 3,028 | 180,448 | 2,714 | 2,714 | 180,448 | 2,714 | 2,714 | 180,448 | 2,714 | 2,714 | 180,448 | 2,714 | 2,714 | 180,448 |
| Inmate programs..... | 1,438 | 1,438 | 73,608 | 1,206 | 1,178 | 71,134 | 1,133 | 1,278 | 82,487 | 1,262 | 1,262 | 106,437 | 1,210 | 1,262 | 178,885 |
| Subtotal..... | 18,332 | 18,332 | 788,141 | 13,834 | 13,834 | 760,208 | 17,304 | 16,970 | 878,791 | 17,298 | 16,894 | 1,004,369 | 18,332 | 17,286 | 1,183,089 |
| | | | | | | | | | | | | | | | |
| Institution administration and maintenance: | | | | | | | | | | | | | | | |
| Administration..... | 2,244 | 2,154 | 174,292 | 2,658 | 1,842 | 170,650 | 2,488 | 2,443 | 210,255 | 2,483 | 2,810 | 221,743 | 2,778 | 2,784 | 243,182 |
| Food service..... | 364 | 364 | 37,338 | 297 | 244 | 32,330 | 363 | 318 | 38,265 | 361 | 326 | 37,438 | 375 | 332 | 41,868 |
| Maintenance..... | 1,728 | 1,821 | 181,733 | 1,538 | 1,442 | 181,808 | 1,803 | 1,800 | 184,817 | 1,783 | 1,708 | 178,428 | 1,823 | 1,774 | 187,188 |
| Subtotal..... | 4,336 | 4,339 | 393,363 | 4,503 | 3,528 | 384,848 | 4,654 | 4,561 | 433,337 | 4,627 | 4,846 | 437,613 | 4,976 | 4,890 | 472,238 |
| Contract confinement..... | 200 | 184 | 108,253 | 208 | 186 | 102,207 | 186 | 186 | 108,802 | 186 | 186 | 108,802 | 201 | 200 | 108,179 |
| Program division: | | | | | | | | | | | | | | | |
| Executive division..... | 630 | 478 | 34,228 | 627 | 603 | 38,278 | 623 | 623 | 38,537 | 623 | 623 | 40,801 | 623 | 623 | 40,801 |
| Administrative services..... | 878 | 387 | 58,888 | 518 | 474 | 58,882 | 571 | 571 | 62,483 | 571 | 571 | 64,414 | 571 | 571 | 64,414 |
| Subtotal..... | 1,508 | 865 | 93,116 | 1,145 | 1,077 | 97,160 | 1,194 | 1,194 | 101,020 | 1,194 | 1,194 | 105,215 | 1,194 | 1,194 | 105,215 |
| Total..... | 22,188 | 19,218 | 1,263,820 | 19,086 | 17,697 | 1,341,860 | 22,461 | 21,803 | 1,588,920 | 22,314 | 22,708 | 1,716,710 | 26,000 | 23,630 | 1,888,751 |
| | | | | | | | | | | | | | | | |
| Reimbursable workyear: | | | | | | | | | | | | | | | |
| Total workyear ceiling..... | 18,342 | 18,342 | | 17,724 | 17,724 | | 22,830 | 22,830 | | 22,833 | 22,833 | | 23,837 | 23,837 | |
| Other Workyear: | | | | | | | | | | | | | | | |
| Holiday..... | 200 | 200 | | 200 | 200 | | 210 | 210 | | 210 | 210 | | 234 | 234 | |
| Overtime..... | 850 | 850 | | 850 | 850 | | 811 | 811 | | 811 | 811 | | 850 | 850 | |
| Total compensable workyear..... | 20,144 | 20,144 | | 18,524 | 18,524 | | 23,843 | 23,843 | | 23,843 | 23,843 | | 25,841 | 25,841 | 278 |

Federal Prison System
Salaries and expenses
Audit of Program and Performance
Activity Expense Summary
(dollars in thousands)

| Activity: Inmate Care, Custody and Programs | 1972 Association | | 1973 Base | | 1973 Estimate | | Increase/Decrease | |
|---|------------------|--------|-----------|--------|---------------|--------|-------------------|-----|
| | Per. | VI | Per. | VI | Per. | VI | Per. | VI |
| Inmate Care..... | 3,467 | 3,181 | 3,446 | 3,282 | 3,460 | 3,390 | 214 | 108 |
| Institution Security..... | 9,289 | 8,680 | 9,211 | 8,648 | 9,213 | 8,648 | 702 | 336 |
| Unit Management..... | 3,154 | 2,953 | 3,135 | 2,953 | 3,319 | 3,093 | 176 | 205 |
| Inmate Programs..... | 1,318 | 1,218 | 1,358 | 1,338 | 1,458 | 1,372 | 100 | 87 |
| Total..... | 17,404 | 16,070 | 17,295 | 16,444 | 18,532 | 17,266 | 1,277 | 602 |

This budget activity includes the cost of food; medical care; clothing; linen; security; uniforms; release clothing; transportation and gratuities; housing unit furnishings; academic, social and vocational education courses; leisure time programs; and religious and psychology services. Also included are the salaries and other expenses of Public Health Service commissioned officers stationed in Federal Prison System facilities.

| Activity: Inmate Care, Custody and Programs | 1972 Association | | 1973 Base | | 1973 Estimate | | Increase/Decrease | |
|---|------------------|--------|-----------|--------|---------------|--------|-------------------|-----|
| | Per. | VI | Per. | VI | Per. | VI | Per. | VI |
| Inmate Care..... | 3,467 | 3,181 | 3,446 | 3,282 | 3,460 | 3,390 | 214 | 108 |
| Institution Security..... | 9,289 | 8,680 | 9,211 | 8,648 | 9,213 | 8,648 | 702 | 336 |
| Unit Management..... | 3,154 | 2,953 | 3,135 | 2,953 | 3,319 | 3,093 | 176 | 205 |
| Inmate Programs..... | 1,318 | 1,218 | 1,358 | 1,338 | 1,458 | 1,372 | 100 | 87 |
| Total..... | 17,404 | 16,070 | 17,295 | 16,444 | 18,532 | 17,266 | 1,277 | 602 |

This budget activity includes the cost of food; medical care; clothing; linen; security; uniforms; release clothing; transportation and gratuities; housing unit furnishings; academic, social and vocational education courses; leisure time programs; and religious and psychology services. Also included are the salaries and other expenses of Public Health Service commissioned officers stationed in Federal Prison System facilities.

Major Objectives:

Provide three nutritional meals daily including provisions for medical and religious diets.

Continue cost-effective farm operations to supplement food purchased from local sources.

Professionally analyze food service programs for nutritional adequacy.

Continue to provide current level health care services in all institutions, which include promotion of good health practices, prevention of diseases and disability, inpatient and outpatient treatment, medical rehabilitation services, health education, and to promote dental hygiene and prevention of dental diseases.

Meet and/or maintain medical accreditation requirements in all institutions.

Acquire and provide an adequate supply of clothing, footwear, linen, toiletries and stationery items for distribution to the inmate population.

Maintain laundry and clothing issues/return operations and the Inmate Trust Fund.

Basic Program Description: The Federal Prison System (FPS) continues to provide three nutritional meals daily. These meals are certified for nutritional adequacy by registered dietitians and are well within the Recommended Dietary Allowance of the Department of Agriculture's National Research Council. Meal preparation is accomplished primarily by inmate workers (about 10 percent of the population) under the supervision of staff. The United States Penitentiary at Los Angeles, California and the Federal Correctional Institution at El Paso, Oklahoma utilize available land resources in the limited production of beef and milk. Farm products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

Medical services are provided by a variety of professional and para-professional health care personnel including physicians, dentists, nurses, pharmacists and physician assistants. Within 15 days of admission, all newly sentenced inmates receive a complete physical, mental health, and dental examination. Sick call, which includes examination of patient complaints, ordering and assessment of diagnostic tests and a medical treatment plan is conducted five days a week. Medical emergencies during other than normal working hours or on weekends and holidays are handled on an on-call basis. If an inmate has a health condition which is beyond the professional capability of the institution's medical staff, the inmate is referred to a contract physician or hospital in the community or one of the Bureau's medical referral centers.

The Medical Center for Federal Prisoners (MCFP) at Springfield, Missouri is the major medical referral center for the Federal Prison System. There are five additional regional medical centers within the FPS health care delivery system. The Federal Medical Center (FMC), Rochester, Minnesota accepts referrals of both male and female specialty medical, surgical and psychiatric cases made nationwide. The Federal Correctional Institution (FCI), Butner, NC provides for male psychiatric cases. FCI, Lexington, Kentucky handles female medical, surgical, and psychiatric cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) cases are referred to Lexington on a nationwide basis. FCI, Terminal Island, California accepts referrals of both male and female medical and surgical and male psychiatric cases primarily from the Western Region. Finally, FCI, Fort Worth, Texas accepts referrals for male inmates with chronic disease and in need of long term care.

The U.S. Public Health Service continues to provide personnel in support of the Federal Prison System medical program. Medical, surgical, and rehabilitative services not available in FPS medical facilities, are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities. Increasing numbers of Federal inmates are requiring medical care, primarily as a result of the population explosion, general aging of the population and the increased numbers of inmates with a history of drug abuse. Specifically, the Federal Prison System has experienced increased numbers of drug related medical conditions such as AIDS and kidney disease.

The Federal Prison System maintains an inventory of clothing, footwear, toiletries, linens and writing supplies for issue to all inmates during incarceration. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate labor under staff supervision.

In addition, FPS maintains an Inmate Trust Fund account for all inmates on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries, performance pay, and money from family, friends or other sources during visits or via the mail are deposited directly to each inmate's account. Inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services or pay for supplies to participate in programs such as college courses or leisure activities.

Accomplishments and Workload: Actual and estimated accomplishments of the Inmate Care Program are presented in the following tables:

| | Estimate | | |
|---|-----------|-----------|-----------|
| | 1990 | 1991 | 1992 |
| Food and Farm Services: | | | |
| Meals provided (daily)..... | 166,221 | 187,350 | 214,770 |
| Average cost per inmate per day..... | \$4.52 | \$4.72 | \$5.22 |
| Percent of Recommended Dietary Allowance..... | 100% | 100% | 100% |
| Number of farms operated..... | 2 | 2 | 2 |
| Value of farm products (in thousands)..... | \$1,930 | \$2,000 | \$2,450 |
| Medical Services: | | | |
| Total Outpatient Visits (yearly)..... | 4,116,840 | 4,237,716 | 4,987,430 |
| | | | 5,250,444 |

| | 1992 | 1991 | 1992 Estimate | 1993 |
|--|--------|--------|---------------|--------|
| Average Number of Outpatient Visits (daily)..... | 15,834 | 16,415 | 19,100 | 20,100 |
| Average Daily Patient Load..... | 1,586 | 1,641 | 1,911 | 2,010 |
| Average Length of Stay..... | 36 | 36 | 36 | 36 |
| Hospital Days per Inmate per Year..... | 9.1 | 9.1 | 9.2 | 9.2 |
| Human Immunodeficiency Virus (HIV) Tests..... | 33,000 | 37,000 | 40,000 | 50,000 |

Other Inmate Services

| | | | | |
|--|---------|---------|---------|---------|
| Supply of clothing/footwear..... | 295,200 | 325,349 | 373,794 | 394,497 |
| Supply of linens..... | 434,582 | 479,095 | 549,371 | 584,005 |
| Laundry materials..... | 21,509 | 23,497 | 27,323 | 28,992 |
| Inmate Trust Fund collections (\$ in 000's)..... | 459,410 | 515,593 | 534,339 | 512,592 |
| Inmate Trust Fund disbursements (\$ in 000's)..... | 485,765 | 597,702 | 615,047 | 612,056 |

The FPS has 24-hour or 16-hour medical coverage, as appropriate, at all of its institutions. The WSP, Springfield, Missouri; the PRC, Rochester, Minnesota; and the FCI's Lexington, Kentucky; Barret, North Carolina; Fort Worth, Texas; and Federal Island, California have maintained accreditation by the Joint Commission on Accreditation of Healthcare Organizations.

The Presidential Commission on the HIV epidemic acknowledged the Bureau's HIV program as a model in corrections through continued emphasis on education, follow-up and monitoring of the prevalence of HIV infection within the inmate population. A sample of new commitments shows a relatively stable .9% of incoming inmates as HIV positive and few seroconversions beyond six months. However, with the population growth during 1990, the FPS has provided care and treatment to an increasing number of AIDS patients. This trend is expected to accelerate as a result of changes in sentencing guidelines and mandatory sentencing.

During 1991, the FPS continued a National Wellness Program for staff. The program provides information, education, and assistance. Proper nutrition, weight management and smoking cessation are a few of the areas emphasized by the Wellness Program.

ECOSYSTEM CHANGES

| | 1993 Base | 1993 Estimate | Perma. | 1993 Estimate | Perma. | 1993 Estimate | Perma. | 1993 Estimate | Perma. |
|------------------|-----------|---------------|---------|---------------|--------|---------------|--------|---------------|---------|
| | Costs | Costs | Costs | Costs | Costs | Costs | Costs | Costs | Costs |
| Inmate Care..... | 3,446 | 3,282 | 830,122 | 3,440 | 3,390 | 842,519 | 214 | 108 | 840,397 |

The request includes \$7,339,000 to provide for a projected increase in the average daily population of 2,870 from 71,590 in 1992 to 74,460 in 1993. Within this amount \$3,151,000 is for food and farm services, \$3,637,000 is for medical services and supplies and \$51,000 is for clothing, footwear, bedding, toiletries, etc.

In addition, 214 positions and 108 workyears and \$20,815,000 are included to provide resources to activate new facilities in 1993 as follows:

| Facilities: | Estimated Activation Date | Food and Farm Services | | Medical Services | | Other Inmate Services | | | | |
|---|---------------------------------|------------------------|--------------|------------------|--------------|-----------------------|--------------|----|---|-------|
| | | Costs M | Benefit M | Costs M | Benefit M | Costs M | Benefit M | | | |
| Manchester, NY FCI (1,170 beds)..... | 10/92 | 13 | 10 | 51,753 | 16 | 12 | 82,654 | 2 | 1 | 8445 |
| Brooklyn, NY JRC (500 beds)..... | 12/92 | 12 | 7 | 719 | 20 | 12 | 1,422 | 1 | 1 | 85 |
| Florence, CO Campus (minimum, medium) (1,256 beds)..... | 1/93 | 22 | 16 | 2,562 | 37 | 28 | 4,298 | 4 | 3 | 595 |
| Altoona, PA (medium) (768 beds)..... | 4/93 | 17 | 6 | 1,509 | 25 | 8 | 1,096 | 3 | 1 | 353 |
| Miami, FL JRC (946 beds)..... | 9/93 | 16 | 1 | 573 | 13 | 2 | 1,483 | 1 | 1 | 266 |
| Total, Activations (4,640 beds)..... | | 80 | 40 | 7,298 | 122 | 62 | 17,753 | 12 | 6 | 1,764 |

The activation dates listed on the previous page are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired three months prior to activation and that the lead time for resources required for equipment is six to nine months.

The Federal Prison System is currently utilizing all of its existing health care capacity, primarily concentrated at its medical facilities in Springfield, Missouri; Rochester, New York; and San Francisco, California. While additional medical beds will be added through the recently activated Public Health Service facility in Carrollton, Louisiana, the treatment unit at Fort Worth, Texas, and a new medical center at Denver, North Carolina (not scheduled to activate until 1993), the Bureau of Prisons still will have inadequate medical care capacity.

Because the Federal inmate population is aging and prisoners with serious substance abuse histories now make up one-half of the total population, inmate medical care will continue to be a growing concern. Experience indicates that an individual's medical needs often arise unexpectedly, and predicting the amount of medical care an inmate will require can be difficult; consequently, expenditures can be impacted by just a few unexpected serious cases.

Medical, surgical and rehabilitative services not available in Bureau medical facilities must be provided through contract arrangements in the community. The Bureau is making every effort to hold down the cost of its medical care expenses.

While recent budgets have included additional resources for medical care associated with projected increases in the Federal inmate population, the Federal Prison System continues to have difficulty keeping pace with inflation in this area. In 1990 and 1991, \$4.4 and \$4.6 million respectively were reprogrammed to provide for increased outside medical care costs. This action was necessary since 1990 included only 2.1 percent for inflation and 1991 inflation required full absorption.

In 1993 the Bureau of Prisons is requesting a program increase of \$4,583,000 for outside medical costs. This increase is based on the Bureau's historical need for the last 2 years of actual experience.

The cost of AIDS treatment has now been reestimated. In 1993, \$4,142,000 is required to cover the high costs of AIDS treatment for those inmates who must receive Stage IV HIV and HIV Asymptomatic treatment as recommended by the Center for Disease Control.

The Bureau is requesting \$3,318,000 to restore program reductions resulting from a permanent reprogramming reduction in 1991. This amount reflects previously unfunded year-over-year reductions throughout the Bureau of Prisons.

| | 1992 Actuals | | 1993 Base | | 1993 Estimate | | Increases/Decreases | | | | | |
|---------------------------|--------------|-----------|-----------|-----------|---------------|-----------|---------------------|-----------|-----------|-----|-----|----------|
| | Pos. | MI Amount | Pos. | MI Amount | Pos. | MI Amount | Pos. | MI Amount | | | | |
| Institution Security..... | 9,269 | 8,680 | \$371,466 | 9,211 | 9,048 | \$416,416 | 9,913 | 9,304 | \$444,512 | 702 | 336 | \$28,098 |

LEAD BUREAU GOAL: Provide Institution security, inmate control, and inmate supervision to ensure maximum protection for the community, staff, and inmates consistent with program requirements in all FPs facilities.

MAJOR GOALS/INITIATIVES:

Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Maintain an effective transportation system for prisoners in conjunction with the U.S. Marshals Service.

Base Program Description: All inmates are assigned a security classification based in part on the physical design of each facility. The Bureau currently reduced the six level security classification system to four security levels. The four new security levels are minimal, low, medium and high. Additionally, there is an administrative category for specialized populations such as pre-trial, medical, etc. Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive correctional environment. From a security and custody standpoint, offenders are assigned to an institution. The result is a grouping of offenders with similar custodial needs in an institution. This significantly reduces the mixing of predatory and non-predatory offenders.

Within each institution, correctional officers are assigned to security posts which are primarily established on the basis of structural/visual considerations. The two basic categories of security are perimeter security and internal security. Perimeter security consists of walled or fenced perimeter, supplemented by manned guard towers, razor wire strung between a double fence, high mast lighting to illuminate the perimeter, perimeter patrols and highly technical equipment such as alarm systems and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control. For all practical purposes, all other security measures, processes and activities can be called internal security, commencing when an inmate is committed and terminating upon his/her release. Supervision of inmates is provided in living units, visiting areas, dining halls, recreation areas, and any other area where inmates may be located or have access to.

Regularly scheduled counts are conducted several times a day in all institutions in order to monitor inmate whereabouts. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision.

Violations of institution regulations are dealt with through the Inmate Disciplinary Process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee, which usually consists of a unit manager, case manager and a correctional counselor. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Discipline Hearing Officer for hearing and decision. An administrative remedy process provides for appeals to decisions of the Committee.

The Administrative Detention program provides for the separation of offenders from the general population who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. The Disciplinary Segregation Program provides for segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charges.

In coordination with the United States Marshals Service, the Federal Prison System maintains a prisoner transportation system including the transportation of Witness Security inmates.

Accomplishments and Methods: Actual and estimated accomplishments of the Institution Security program are presented in the following tables:

| | 1990 | 1991 | 1992 | 1993 |
|--|-------|-------|-------|-------|
| Successful confinement rate..... | 98.35 | 98.35 | 98.35 | 98.35 |
| Incapacitation rate..... | 99.35 | 99.35 | 99.35 | 99.35 |
| Security staff coverage rate..... | 902 | 945 | 945 | 945 |
| Staff to inmate ratio: | | | | |
| Morning watch (midnight to 8:00 AM)..... | 1:68 | 1:64 | 1:64 | 1:64 |
| Day watch (8:00 AM to 4:00 PM)..... | 1:24 | 1:21 | 1:21 | 1:21 |
| Evening watch (4:00 PM to midnight)..... | 1:35 | 1:29 | 1:29 | 1:29 |

The successful confinement rate is the percent of those inmates who will not be involved in assaults, homicides and suicides. The incapacitation rate is the percent of inmates confined who will not escape. As illustrated in the table on the previous page, FPS continues to minimize the situations and opportunities which lead to prohibited acts. In 1990, only one percent of the FPS average daily population was involved in assaults, homicides, suicides and escapes.

The FPS establishes institution staffing guidelines through ongoing full-field reviews which consider the institution's security level, posts such as front entrance, control room, housing units, segregation/detention, visiting rooms, perimeter security activities areas, etc., and rated capacity and overcrowding level. The security staff coverage rate is the percent of institution posts that can be covered with available staff (workyears). Covering all posts improves security and is a factor in reducing the incidents of negative inmate behavior.

It should be emphasized that the Institution Security Program is on a twenty-four hours per day/seven days per week basis. Staff, as measured in workyears, must be distributed between three work shifts as referred to in the above workload table as the morning, day, and evening watch. Thus, a presentation of an overall security staff to inmate ratio of 1:18 in 1991 would be totally misleading. As indicated in the above table, an IPS facility on the average could expect a security staff to inmate ratio of 1:14 on the morning watch, 1:21 on the day watch and 1:29 on the evening watch. In reality, even these ratios are misleading because the staff on duty are assigned to different posts, e.g., control room, housing units, perimeter security, etc. An officer assigned a housing unit post can expect a 1:150/200 staff to inmate ratio.

The U.S. Penitentiary at Marion, Illinois continues to house the 350 most dangerous offenders in the Federal Prison System. Approximately 25 percent of the Marion population is now housed in units whose operation approximates those of other federal penitentiaries. Assault rates have dramatically decreased at Marion. In addition, we believe that Marion serves as a disincentive to assaultive behavior by inmates in other institutions.

The Federal Prison System continues to incarcerate approximately 1,403 Mariel Cuban detainees for the Immigration and Naturalization Service. These Mariel Cubans face indefinite incarceration and are an extremely volatile and disruptive force in the Federal prisons. The Mariel Cubans were responsible for the 1987 riots at the U.S. Penitentiary, Atlanta, Georgia, and the Federal Detention Center, Oakdale, Louisiana, which resulted in massive destruction of Federal property. They were also responsible for a 10-day disturbance in August 1991 at FCI Talladega, Alabama. The disturbance was ended when the FBI's Hostage Rescue Team, supported by FBI's Staff and SOF's Staff teams, assaulted the unit being held and rescued the hostages. The detention of Mariel Cuban detainees continues to present a long-term problem to both the Federal Prison System and the Immigration and Naturalization Service.

During 1991, the prisoner transportation system handled 130,346 moves, an increase of 3,333 over 1990. In addition, approximately 270 witness security cases were relocated without incident.

PROGRAM CHANGES:

| | 1993 Base | | 1993 Estimate | | INCREASE/DECREASE | | | | |
|---------------------------|-----------|-------|---------------|-------|-------------------|-----------|-----|-----|----------|
| | Pos. | WT | Pos. | WT | Pos. | WT | | | |
| Institution Security..... | 9,211 | 9,048 | \$416,416 | 9,913 | 9,384 | \$444,512 | 702 | 336 | \$28,098 |

The request includes \$446,000 to provide for security needs associated with a projected federal inmate population increase of 2,870 from 71,980 in 1992 to 74,650 in 1993.

The request includes \$446,000 to provide for security needs associated with a projected Federal inmate population increase of 2,870 from 71,590 in 1992 to 74,460 in 1993.

In addition, the request includes 702 positions, 336 workyears and \$25,733,000 to provide resources to activate new facilities in 1993 as follows:

| Facilities: | Estimated Activation Date | Institution Security | |
|--|---------------------------|----------------------|-----|
| | | Pos. | WT |
| Manchester, KY FCI (1,170 beds)..... | 10/92 | 106 | 79 |
| Brooklyn, NY MOC (500 beds)..... | 12/92 | 146 | 85 |
| Florence, CO Complex (minimum, medium) (1,256 beds)..... | 1/93 | 150 | 113 |
| Altamonte, FL MOC (768 beds)..... | 4/93 | 134 | 45 |
| Miami, FL MOC (946 beds)..... | 9/93 | 166 | 116 |
| Total, Activations (4,640 beds)..... | | 702 | 336 |

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired three months prior to activation and that the lead time for resources required for equipment is six to nine months.

The Bureau is requesting \$5,187,000 to restore program reductions resulting from a permanent reprogramming in 1991 which reflects previously unfunded workyear reductions. The increase is offset by \$3,468,000 which reflects the intention to reduce Bureau overtime by approximately 10 percent, for a net increase of \$1,719,000.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | |
|----------------------|--------------------|-------|-----------|-------|---------------|-----------|-------------------|-------|-----------|
| | Pos. | WT | Pos. | WT | Pos. | WT | Pos. | WT | |
| Unit Management..... | 3,156 | 2,933 | \$151,151 | 3,136 | 3,002 | \$164,437 | 3,319 | 3,093 | \$179,085 |
| | | | | | | | 183 | 91 | \$15,948 |

Long-Range Goal: To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community.

Major Objectives:

Subdivide the inmate population into small well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.

Increase the frequency of contacts and improve relations between staff and inmates.

Ensure that decisions regarding inmates are made by staff most closely associated with those inmates, increasing the quality and swiftness of the decisions.

Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for inmates who have the need and motivation to participate.

Basic Program Description: The purpose of the Unit Management Program is to improve inmate control and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi-disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment. The program is carried out through the proper classification of inmates and development of inmate programs on the basis of need and motivation.

Accomplishments and Workload: Actual and estimated accomplishments of the Unit Management program are presented in the following table:

| | 1990 | 1991 | 1992 | Estimate |
|-------------------------------------|---------|-----------|-----------|-----------|
| Average daily population..... | 55,407 | 61,071 | 71,500 | 74,460 |
| Number of Units..... | 335 | 350 | 400 | 460 |
| Counseling hours..... | 904,176 | 1,019,000 | 1,167,780 | 1,391,040 |
| Initial Classification Studies..... | 7,417 | 8,530 | 9,810 | 11,281 |
| Study & Observation Reports..... | 884 | 1,017 | 1,170 | 1,344 |
| Transfer Reports..... | 20,717 | 23,825 | 27,399 | 31,509 |
| CCC Referral Reports..... | 10,764 | 12,379 | 14,236 | 16,371 |
| Purloigne Processed..... | 6,354 | 6,926 | 7,619 | 8,381 |
| Releases..... | 10,120 | 11,647 | 13,394 | 15,403 |

In 1990 the Bureau established an Intensive Confinement Center at Lewisburg, Pennsylvania. This is a specialized facility with a program that provides a working balance between a military boot camp approach and the traditional correctional values of the Federal Bureau of Prisons. This program involves a very intensive, highly structured environment while maintaining the Bureau's basic philosophy of being "firm but fair" in the treatment of inmates. Inmates who meet the criteria to participate are placed in this program for six months. Graduation ceremonies were held in July 1991 for the first team of inmates to successfully complete the program. The Intensive Confinement Center has now graduated 176 inmates from the program. In April 1991, it was decided to establish an Intensive Confinement Center for female inmates at the Federal Prison Camp in Bryn, Texas. This program is expected to begin accepting inmates in July 1992.

The Female Offender Section was created in the Correctional Programs Division in response to increased public inquiries and the growing numbers of female offenders. This section is developing guidelines designed to address differences between male and female offenders to ensure parity in treatment between them. Its purpose is to educate both Bureau staff and the public about female offender issues through measures such as training and lectures.

The Federal Prison System has virtually met its goal of establishing functional unit management in most of its facilities. However, because of the rapid growth in population, it has become necessary in some instances to return to a centralized management system or to administratively combine two units into one larger unit under the supervision of one unit manager.

In response to the rapid growth in the Federal inmate population having drug abuse histories, FPS has developed a comprehensive drug abuse treatment strategy consisting of five components: drug abuse education, drug abuse counseling services, a comprehensive residential program, a pilot research program and transitional services.

The Drug Abuse Education Program, which can also be described as being of "low-intensity", is the minimum level of drug abuse treatment available to Federal inmates. It involves a non-residential, information-oriented approach with limited treatment opportunities and is considered "mandatory" for all inmates with a substance abuse history.

The Drug Abuse Counseling Services consists of both group and individual therapy delivered from a centralized psychological services location within the institution. These services offer flexibility and service delivery to those who are unwilling or unable to enroll in a residential treatment program. These are also supporting services offered to those who have completed the residential program, yet have time remaining to serve, prior to release to the community in a transitional services program. The Bureau has allocated 56 positions to support education and counseling program throughout the agency for the fourth quarter of 1991.

The Comprehensive Residential Program, also known as the "moderate-intensity" program, was designed for inmate volunteers with a moderate to severe level of drug abuse, who have completed a drug abuse education program. It is unit-based and involves extensive individual and group counseling with assessments by psychologists and Drug Abuse Treatment Specialists over a 9-month period. To support the drug treatment initiative, the Bureau has allocated for the fourth quarter of 1991, 44 positions to bring seven comprehensive units on line in 1991.

The Pilot Research Program which is "high-intensity" is based on state of the art knowledge of effective treatment approaches and is used extensively for research purposes. It is similar to the comprehensive residential program described above, but involves a more intense level of treatment over a longer period of time.

Transitional Services are planned for the first six to 12 months following release from incarceration, which is the most critical timeframe in an inmate's adjustment back into society. As a result, all inmates completing a comprehensive residential or research program are required to participate in aftercare services upon release. This component of the drug abuse program typically consists of either six months in a CCC with specialized aftercare treatment or intensive outpatient counseling at a CCC over a six month period (20 hours per month). After this six month period, the inmate will be released into the custody of the U.S. Probation Service for an additional six month period.

By the end of 1991, the BOP had education and counseling programs operating at virtually all of its Federal institutions, and 15 residential treatment units consisting of 1,863 treatment slots.

| | |
|-----------------------|---------------------|
| Comprehensive | Research |
| FBI Atlanta, GA | FBI Tallahassee, FL |
| FBI Bismarck, ND | FBI Butte, MT |
| FBI Boston, MA | FBI Lexington, KY |
| FBI Butte, MT | |
| FBI Charlotte, NC | |
| FBI Denver, CO | |
| FBI Detroit, MI | |
| FBI El Paso, TX | |
| FBI Fort Worth, TX | |
| FBI Houston, TX | |
| FBI Indianapolis, IN | |
| FBI Jacksonville, FL | |
| FBI Kansas City, MO | |
| FBI Las Vegas, NV | |
| FBI Little Rock, AR | |
| FBI Los Angeles, CA | |
| FBI Louisville, KY | |
| FBI Miami, FL | |
| FBI Memphis, TN | |
| FBI Milwaukee, WI | |
| FBI Minneapolis, MN | |
| FBI New York, NY | |
| FBI Oklahoma City, OK | |
| FBI Omaha, NE | |
| FBI Phoenix, AZ | |
| FBI Portland, OR | |
| FBI Richmond, VA | |
| FBI San Antonio, TX | |
| FBI San Diego, CA | |
| FBI San Francisco, CA | |
| FBI Seattle, WA | |
| FBI Springfield, IL | |
| FBI St. Louis, MO | |
| FBI St. Paul, MN | |
| FBI Tucson, AZ | |
| FBI Utah, UT | |
| FBI Vancouver, BC | |
| FBI Washington, DC | |
| FBI Wichita, KS | |

In 1992, The Bureau expects to expand the residential program by an additional 16 comprehensive units, providing a total of 3,863 treatment slots. Additionally, transitional services will be provided for 750 inmates.

| Program Changes: | 1992 Base | | 1992 Estimate | | Increases/Decreases | | | | |
|----------------------|-----------|-------|---------------|-------|---------------------|-----------|-----|----|----------|
| | Pos. | MT | Pos. | MT | Pos. | MT | | | |
| Unit Management..... | 3,136 | 3,002 | \$164,437 | 3,319 | 3,093 | \$178,085 | 183 | 91 | \$13,598 |

The request provides an additional \$679,000 for contract services and supplies associated with the projected population increase of 2,870 from 71,500 in 1992 to 74,400 in 1993.

In addition, this request includes 183 positions, 91 workyears and \$10,116,000 to activate or expand this program at the following facilities scheduled for completion during 1993:

| Facilities: | Estimated Activation Date | Unit Management | |
|--|---------------------------------|-----------------|-----------|
| | | Pos. | WT Amount |
| Manchester, NY FCI (1,170 beds)..... | 10/92 | 28 | 21 92,295 |
| Brooklyn, NY MOC (500 beds)..... | 12/92 | 26 | 15 1,089 |
| Florence, CO Complex (minimum, medium) (1,256 beds)..... | 1/93 | 52 | 39 3,554 |
| Allenwood, PA (medium) (768 beds)..... | 4/93 | 40 | 13 1,872 |
| Miami, FL MOC (946 beds)..... | 9/93 | 37 | 3 1,306 |
| Total, Activations (4,640 beds)..... | | 183 | 91 10,116 |

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired three months prior to activation and that the lead time for resource required for equipment is six to nine months.

The Bureau is requesting \$2,803,000 to restore program reductions resulting from a permanent reprogramming in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|----------------------|--------------------|---------------|-----------|---------------|---------------|---------------|-------------------|------------|
| | Pos. | WT Amount | Pos. | WT Amount | Pos. | WT Amount | Pos. | WT Amount |
| Inmate Programs..... | 1,512 | 1,276 892,677 | 1,502 | 1,332 910,933 | 1,640 | 1,399 911,973 | 138 | 67 911,040 |

Long Range Goal: Provide general and occupational education opportunities to all inmates desiring or required to participate; provide Federal offenders with a full range of recreation and leisure activities to improve their physical and mental health and promote the development of personal, interpersonal and social skills to better enable them to cope with the psychological and physical impact of their incarceration.

Provide all prisoners with reasonable and equitable opportunities to pursue individual religious beliefs and practices within the constraints of confinement and:

Provide immediate and long-term psychological care for Federal inmates with mental health problems and assist in the decision making of the courts, prison administrators and parole officials.

Major Objectives:

Provide education programs designed to meet inmate needs for functional literacy, high school equivalency, English language proficiency, adult continuing education, career assessment and counseling, and personal growth and to enhance their employability upon release.

Maintain education program certification or accreditation by Regional Associations of Colleges and Schools or other appropriate accrediting agencies. Provide a variety of indoor and outdoor physical, cultural, and related leisure activities with opportunities to enhance personal wellness and belong to social and other groups.

Make available the appropriate worship services of the various religious disciplines represented within the inmate population and provide a variety of non-worship religious program options.

Provide psychological screening for every inmate admitted to the FPs.

Provide pastoral care for individual inmates and staff.

- Provide psychological care to inmates admitted to Inpatient mental health program.
- Provide psychotherapy and crisis intervention counseling.
- Provide personal spiritual growth seminars and courses.
- Provide employee assistance programs.
- Provide psychological evaluations requested by the courts, parole officials, and prison administrators.
- Provide training to staff for religious and cultural diversity issues.
- Continue drug abuse and alcohol abuse special treatment programs.
- Provide family services to staff during crisis incidents at institutions.
- Provide staff training in mental health areas.

Basic Program Description: Inmate programs include general and occupational education programs, leisure time activities and religious and psychological services.

General education programs are designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are seven major components of the general education program: Literacy, Adult Continuing Education, English as a Second Language, Postsecondary Education, Guidance and Counseling, Occupational Education and Life Skills.

The Literacy Program is designed for the nearly 50 percent of Federal offenders who lack a high school diploma and consists of basic literacy and high school equivalency courses, and general equivalency examinations. The adult literacy standard was implemented nationwide on May 1, 1991. Adult Continuing Education courses are designed for inmates who have a desire to "brush up" in a special area or enroll in a special interest program, e.g., speed reading, English, mathematics, contemporary issues, history and foreign language. The Crime Control Act of 1990 requires all non-English speaking Federal prisoners participate in an English as a Second Language (ESL) program until they function at the equivalent of the eighth grade level. Postsecondary education courses are for inmates who have successfully completed high school and want to further their education (e.g., drafting, computer applications, data processing and dental technology). The Bureau's Continuing Program is designed to focus on life skills planning, goal setting for self, and related activities during their incarceration and after release. The Life Skills component helps inmates develop a positive self-image and positive interaction skills including parenting.

Occupational education programs serve to enhance the employability of offenders upon release, particularly those who either lack solid employment history or a salable skill. The majority of Federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work.

A wide variety of leisure time activities are offered at each Federal prison including indoor and outdoor individual athletic and sports activities, arts and crafts, music and drama activities, movies and frequently, guest performances. Information and structured classes are provided on nutrition, physical and mental health and overall personal well-being.

Chaplaincy personnel conduct the religious services of their particular faith group and arrange for the delivery of religious services of other faith groups. Approximately 250 contracts are issued annually for the delivery of services of the smaller faith groups and other related religious services. Chaplains also recruit, train, supervise, and sustain approximately 2,500 volunteers from the community who regularly visit the institution to participate in the religious programming. Over 17,000 religious worship services are conducted each year representing the various religious disciplines within the prisoner population. In addition to worship services, chaplaincy personnel offer a wide variety of non-worship religious program options.

Psychology staff are an integral part of correctional treatment as they administer programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every inmate admitted to a FPG facility be given an initial psychological screening which consists of psychological testing, psychological interview, social history review, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them.

Both individual and group psychotherapy is available to inmates who express a desire and evidence need for it. Training and orientation programs are also offered for developing life concepts, skills including communication, reasoning, interpersonal relationships, conflict resolution, problem solution and work skills. Short-term crisis counseling has been administered by mental health professionals as a paraprofessional, viable skill. The paraprofessionals have expertise in this area and have provided training and consultation to staff in all institutions. The paraprofessionals have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations.

Accomplishments and Methods: Actual and estimated accomplishments of this program are presented in the following tables:

| | 1978 | 1979 | 1979 | Estimate |
|--|--------|--------|--------|----------|
| Education: | | | | |
| Enrollments: | | | | |
| Adult basic education 1/..... | 13,204 | 7,950 | ... | ... |
| Adult continuing education 2/..... | 19,433 | 29,335 | 30,000 | 30,000 |
| General education development..... | 5,928 | 19,628 | 11,000 | 11,000 |
| Post secondary education..... | 17,434 | 19,779 | 20,000 | 21,000 |
| Occupational education..... | 7,437 | 9,470 | 10,000 | 11,000 |
| English as a second language..... | 5,535 | 7,546 | 9,000 | 10,000 |
| Completions: | | | | |
| Adult basic education 1/..... | 11,872 | 8,399 | ... | ... |
| Adult continuing education 2/..... | 15,447 | 20,844 | 21,000 | 24,000 |
| General education development..... | 3,798 | 4,843 | 6,000 | 7,000 |
| Post secondary education..... | 12,434 | 16,473 | 19,000 | 17,500 |
| Occupational education..... | 9,740 | 9,745 | 11,500 | 12,500 |
| English as a second language..... | 2,442 | 2,445 | 4,500 | 5,500 |
| Religious Services: | | | | |
| Worship 3/..... | 14,800 | 17,480 | 19,010 | 21,421 |
| Non-worship programs (represent monthly totals)..... | 19,200 | 22,743 | 24,121 | 25,011 |
| Psychology Services: | | | | |
| Witness protection evaluation..... | 179 | 372 | 436 | 448 |
| Court evaluations..... | 2,985 | 3,285 | 3,415 | 3,900 |
| Routine evaluations..... | 59,452 | 44,519 | 70,840 | 78,000 |
| Individual therapy sessions..... | 57,396 | 43,133 | 69,450 | 76,400 |
| Group therapy sessions..... | 16,518 | 18,178 | 20,000 | 22,000 |
| Participants in group therapy..... | 47,709 | 32,486 | 37,720 | 43,500 |
| Crisis intervention sessions..... | 45,059 | 49,565 | 54,320 | 60,000 |
| Suicide prevention sessions..... | 1,925 | 2,128 | 2,320 | 2,500 |
| Parolees in contact..... | 1,790 | 4,700 | 5,350 | 5,900 |
| Parolees in contact..... | 1,790 | 4,700 | 5,350 | 5,900 |
| Staff training sessions..... | 7,222 | 8,270 | 9,100 | 10,000 |
| Unit team meetings..... | 16,088 | 18,580 | 20,440 | 22,500 |

1/ Beginning May 1, 1991, the Adult Basic Education program was merged with the GED which became the Bureau's literacy program

2/ Includes Life Skills and Guidance and Counseling components

3/ Distinctive Worship Services: General Christian (English/Spanish); Catholic Mass (English/Spanish); Shabbat, Sweet Leaven, and Jewish Sciences. Weekly, plus seasonal special services.

All inmates except those specifically exempt (e.g., detained aliens), who do not have a verified high school diploma or GED, are required to enroll in a mandatory literacy program. Promotions to industry and institution jobs depend upon the prior attainment of a high school diploma or GED. Approximately 8,000 General Education Development tests are administered annually. Post Secondary Education programs continue to have one of the highest retention rates of all education programs. Completion rates in college courses are in excess of 70 percent. Over 150 Federal prisoners earn college degrees annually, most of them AA degrees.

Education services are now accredited by the regional commissions of colleges and schools at the Federal Correctional Institutions (FCIs) Alderson, West Virginia; Danbury, Connecticut; Milan, Michigan; Morgantown, West Virginia; Oxford, Wisconsin; Safford, Arizona and Tallahassee, Florida; Pleasanton, California; Sandstone, Minnesota; Terminal Island, California; Otisville, New York; Englewood, Colorado; Ray Brook, New York; the Federal Prison Camp Boron, California; United States Penitentiaries (USP's) Lewisburg, Pennsylvania; Lompoc, California; Terre Haute, Indiana; and Leavenworth, Kansas; and the Medical Center for Federal Prisoners at Springfield, Missouri.

Apprenticeship programs have been expanded to over 300 training units in approximately 80 different trade classifications at 35 institutions. Approximately 500 inmates enroll in apprenticeship programs annually. A new GED literacy standard was established in May 1991. Computer assisted instruction (CAI) is available in most institutions. Thirty-seven institutions use an integrated CAI system to supplement literacy, high school and related classroom instruction. This system can provide up to 2,000 hours of individualized instruction.

During 1991, a Chaplain Training Program was established at FCI, Pleasanton which offers clinical pastoral education in the correctional setting.

The FPI continues to provide 100 percent of the psychological screening for every new admission, the psychological evaluations requested by the courts, and the crisis intervention counseling. In 1990, the Suicide Prevention Program evaluated over 1,500 inmates for suicide risk.

During 1990, Bureau Psychologists conducted training in hostage negotiation, on Victim's Assistance, effects of victimization, critical incident debriefings, and Suicide Prevention. Psychologists also offer an extensive Employee Assistance program to all Bureau staff. A Work Group on Organizational Stress was established to examine the special concerns of Bureau employees. In addition, new pilot training programs are being developed to promote psychological wellness. The number of employee contacts for assistance continues to exceed contacts in similar agencies. The EAP helps to promote a "caring" philosophy among Bureau staff.

| PROGRAM CHANGES: | 1993 BUREAU | | | 1993 Estimate | | | INCREASE/DECREASE | | |
|----------------------|-------------|-------|-----------|---------------|-------|-----------|-------------------|----|----------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Inmate Programs..... | 1,502 | 1,332 | \$100,933 | 1,440 | 1,399 | \$111,973 | 138 | 67 | \$11,040 |

In 1993, FPI projects an average daily population of 74,440 an increase of 2,870 over the 1992 estimate of 71,590. Included in the request level is \$83,000 to provide supplies and contract services for the increased population as follows: Education \$48,000; Leisure Activities \$35,000; Religious Programs \$90,000; and Psychology Services \$55,000.

In addition, 138 positions, 67 workyears and \$6,606,000 are requested to permit the activation of new facilities scheduled in 1993 as follows:

| Facilities: | Estimated Activation Date | Education | | | Leisure | | | Religious | | | Psychology | | |
|--|---------------------------|-----------|----|---------|---------|----|---------|-----------|----|--------|------------|----|--------|
| | | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Manchester, KY FCI (1,170 beds)..... | 10/92 | 15 | 11 | \$720 | 5 | 4 | \$422 | 2 | 1 | \$172 | 3 | 2 | \$178 |
| Brooklyn, NY MOC (500 beds)..... | 12/92 | 8 | 5 | \$322 | 5 | 3 | \$215 | 2 | 1 | \$108 | 3 | 2 | \$173 |
| Florence, CO Complex (minimum, medium) (1,256 beds)..... | 1/93 | 18 | 13 | \$1,091 | 8 | 6 | \$773 | 5 | 4 | \$344 | 5 | 4 | \$378 |
| Allenwood, PA (medium) (768 beds)..... | 4/93 | 15 | 5 | \$491 | 7 | 2 | \$301 | 4 | 1 | \$148 | 4 | 1 | \$159 |
| Miami, FL MOC (948 beds)..... | 9/93 | 14 | 1 | \$448 | 7 | 1 | \$212 | 4 | 1 | \$166 | 4 | 1 | \$159 |
| Total, Activations (4,440 beds)..... | | 70 | 35 | \$3,050 | 32 | 16 | \$1,723 | 17 | 7 | \$858 | 19 | 9 | \$973 |

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired three months prior to activation and that the lead time for resources required for equipment is six to nine months.

The Bureau is requesting \$3,551,000 to restore program reductions resulting from a permanent reprogramming in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau of Prisons.

| Activity: Institution Administration and Maintenance | 1972 Association | | | 1973 Base | | | 1973 Estimate | | | Increase/Decrease | | |
|--|------------------|-------|----------|-----------|-------|---------|---------------|-------|----------|-------------------|------|---------|
| | Per. | Pos. | WT | Per. | Pos. | WT | Per. | Pos. | WT | Per. | Pos. | WT |
| Institution Administration..... | 2,499 | 2,443 | 8210,255 | 2,483 | 2,419 | 821,783 | 2,775 | 2,764 | 8243,132 | 292 | 145 | 821,349 |
| Staff Training..... | 343 | 318 | 36,205 | 361 | 325 | 37,439 | 375 | 332 | 41,888 | 14 | 7 | 4,449 |
| Institution Maintenance..... | 1,893 | 1,660 | 164,867 | 1,733 | 1,708 | 179,438 | 1,778 | 1,778 | 177,128 | 145 | 46 | 19,708 |
| Total..... | 4,695 | 4,441 | 411,307 | 4,527 | 4,650 | 437,642 | 5,073 | 4,976 | 482,168 | 448 | 258 | 44,538 |
| This budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions. | | | | | | | | | | | | |
| Institution Administration..... | | | | | | | | | | | | |
| Long Range Goal: To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures. | | | | | | | | | | | | |
| Major Objectives: | | | | | | | | | | | | |
| Provide executive direction and control at each institution. | | | | | | | | | | | | |
| Manage each institution's financial resources. | | | | | | | | | | | | |
| Procure contracts, and acquire all goods/services for each institution. | | | | | | | | | | | | |
| Assemble and maintain an effective workforce and administer personnel policies. | | | | | | | | | | | | |
| Provide for Equal Employment Opportunity. | | | | | | | | | | | | |
| Provide for a Drug Free Workplace. | | | | | | | | | | | | |
| Maintain effective procedures for the processing and disposition of federal offenders. | | | | | | | | | | | | |
| Process all official and inmate mail. | | | | | | | | | | | | |
| Maintain inmate records. | | | | | | | | | | | | |
| Maintain standards for safe and healthy working/living conditions. | | | | | | | | | | | | |
| Base Program Description: The Institution Administration Program consists of an institution's executive staff, financial management office, personnel office, administrative systems office and safety office. | | | | | | | | | | | | |
| The Executive Staff at each institution including wardens, associate wardens, and executive assistants, provide overall direction and implement policies. | | | | | | | | | | | | |

Accomplishments and Workload: Actual and estimated accomplishments for the Institution Administration program are presented in the following table:

[illegible]

This request provides \$339,000 for the additional inmate record supplies and equipment resulting from a projected population increase of 2,070 from 71,590 in 1992 to 74,660 in 1993. Also included are 292 positions, 145 workyears and \$19,264,000 to activate or expand facilities scheduled for completion during 1993.

Facilities:

| Facility | Estimated Activation Date | Institution Administration | |
|--|---------------------------------|----------------------------|------------|
| | | Pos. | WT Amount |
| Manchester, NY FCI (1,170 beds)..... | 10/92 | 41 | 31 93,687 |
| Brooklyn, NY ROC (500 beds)..... | 12/92 | 53 | 31 2,889 |
| Florence, CO Complex (minimum, medium) (1,256 beds)..... | 1/93 | 77 | 58 6,167 |
| Attlewood, WA (medium) (768 beds)..... | 4/93 | 61 | 20 3,358 |
| Miami, FL ROC (146 beds)..... | 9/93 | 50 | 3 2,553 |
| Total, Activations (4,640 beds)..... | | 292 | 145 19,264 |

The activation dates listed on the previous page are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired three months prior to activation and that the lead time for resources required for equipment is six to nine months.

The Bureau is requesting \$1,776,000 to restore program reductions resulting from a permanent reprogramming in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau of Prisons.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------------|--------------------|-------------|-----------|-------------|---------------|-------------|-------------------|-----------|
| | Pos. | WT Amount | Pos. | WT Amount | Pos. | WT Amount | Pos. | WT Amount |
| Staff training..... | 343 | 318 836,205 | 361 | 325 837,439 | 375 | 332 841,888 | 14 | 7 84,449 |

Long Range Goals: To provide all staff with the knowledge, skills, and abilities necessary to maintain a safe, secure, productive and efficient correctional environment.

To provide all staff with development opportunities to meet the future challenges of the agency and encourage personal growth and job proficiency.

Major Objectives:

- Provide introductory correctional training for all new staff and continuing advanced correctional skills training for all staff;
- Provide technical, job specialty, and professional education for more than 400 different job specialties in the Bureau;
- Provide instructor skills and training-for-trainer programs to all local and national training instructors to ensure quality programs;
- Implement an active career counseling and development program for staff to meet the agency's future and current needs;
- Implement an effective needs assessment and program evaluation program to increase the impact and efficiency of training programs;
- Implement extensive cultural diversity and foreign language programs in order to effectively manage the increasingly diverse inmate and employee population;
- Provide supervisory, managerial and executive training programs to meet the developmental and proficiency needs of Bureau managers;
- Provide institution-based operations training to all staff to enhance emergency responsiveness, facility security and correctional skills proficiency;
- Implement training institutions to rapidly enhance the proficiency of new technical managers;
- Implement alternative training delivery methods and new technologies to supplement existing classroom instruction; and

Develop working relationships with higher learning institutions and state and local correctional agencies to investigate new and more efficient approaches to staff development, enrich Bureau efforts and assist others in law enforcement training.

Base Program Description: Staff training is being provided on site at each of the institutions; at five residential training centers; through external training provided by the Office of Personnel Management, National Academy of Corrections, and other federal agencies; by colleges and universities; and by private agencies.

The Bureau of Prisons operates a training academy at the Federal Law Enforcement Training Center, Glynn, Georgia, which provides introductory correctional training for all new employees. The training academy provides facilities for the housing of students, training in firearms, self-defense, disturbance control, bus operations, locksmith, and armed escort training. Course materials are organized and written, and provide instruction on abnormal behavior, community programs, counseling systems, the dynamics of prejudice, equal employment opportunity, employee conduct and responsibility, employee stress management, escapes, fire prevention, first aid, correctional practices, inmate discipline, interpersonal communications, and legal issues. The training center offers courses for required instructor certification in such areas as, firearms, self-defense, disturbance control, and instructors skills.

Most of the BOP's meetings, workshops, and conferences are held at the Management and Specialty Training Center in Aurora, Colorado. Through arrangements with local housing establishments, there is an unlimited number of rooms available for students. This center can provide training/ classroom space for over 100 students at any one time. A wide range of courses are available for supervisors and program managers and for trainers who conduct the institution's training programs. These include courses for equal employment opportunity counselors, unit managers, case managers, correctional counselors, correctional supervisors, medical records technicians, hospital administrative officers, and industrial mid-managers. The BOP also operates food service and Trust Fund Training Centers at the Federal Correctional Institution (FCI), Fort Worth, Texas, and a Paralegal Training Center in Dallas, Texas.

Approximately 80 percent of the Bureau's training is conducted on site at the institutions. Each institution has an Employee Development Manager who plans, manages, and organizes the institution's training programs. Certain institution conducted courses are required by national policy. For example, each new employee must be given one week of orientation training immediately upon entry on duty. Each experienced employee must be given correctional refresher training each year in such subjects as self-defense, disturbance control, firearms, fire protection, and inmate supervision. Each new case manager and unit manager must complete a self-study course in case management operations within sixty days of appointment.

The Career Development Office gathers, maintains and provides information to top management concerning Bureau of Prisons managers; develops and coordinates national programs to assist managers in the development of their careers; and conducts special research projects concerning our workforce.

Accomplishments and Workload: Actual and estimated accomplishments for the Staff Training program are presented in the following table (figures represent the number of students trained):

| | 1989 | 1991 | 1992 | 1993 |
|---|---------|---------|---------|---------|
| External Training | 6,723 | 8,443 | 9,438 | 13,795 |
| Staff Training Academy - Glynn Training Center | 4,323 | 5,767 | 6,720 | 7,800 |
| Management and Specialty Training Center Training | | | | |
| (Includes Food Service, Trust Fund, and Paralegal Training Centers) | 2,942 | 3,953 | 5,945 | 7,204 |
| Internal Training | 112,374 | 120,803 | 159,692 | 201,676 |

In April, 1990, the Human Resource Management Division completed a comprehensive five-year plan for Employee Development. This plan was approved by the Federal Prison System, Executive Staff and will serve as the strategic plan to put into place the resources, programs and systems necessary to meet the Bureau's staff development needs during this unprecedented period of rapid growth.

As part of the five-year plan, a new organizational structure was put in place during 1990 to establish appropriate responsibilities for the development, delivery and support of training services. Additionally, program design was completed in the areas of: Training institutions for new managers; career development for line staff; national needs assessment process; Spanish language skills; and armed escort training.

| Program Changes: | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Pos. | VI Amount | Pos. | VI Amount | Pos. | VI Amount |

Staff Training..... 341 325 \$37,439 375 332 \$41,000 14 7 \$4,449

The Bureau of Prisons is currently immersed in the largest expansion plan in its history. The Bureau's unprecedented growth has placed extreme burdens not only on entry level and technical training for new employees, but also career development and supervisory training to fill professional and managerial positions through the system. Training provided to participants at the Staff Training Academy in Ellyco, Georgia; the Management and Specialty Training Centers in Fort Worth and Dallas, Texas; and Aurora, Colorado; alone are expected to increase about 50 percent from 1991 to 1993.

In 1993, the request includes 16 positions, 7 workyears and \$3,608,000 to provide training at the following facilities scheduled for completion during 1993:

| Facilities: | Estimated Activation Date | | Staff Training | |
|---|---------------------------|-----------|----------------|-----------|
| | Pos. | VI Amount | Pos. | VI Amount |
| Manchester, NY FCI (1,170 beds)..... | 10/92 | 1 | 1 | \$546 |
| Brooklyn, NY NDC (500 beds)..... | 12/92 | 3 | 2 | 631 |
| Florence, CO Campus (minimum, medium) (1,256 beds)..... | 1/93 | 4 | 3 | 1,142 |
| Allenwood, PA (medium) (768 beds)..... | 4/93 | 3 | 1 | 601 |
| Miami, FL NDC (940 beds)..... | 9/93 | 3 | 3 | 658 |
| Total, Activations (1,440 beds)..... | | 14 | 7 | 3,608 |

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired 3 months prior to activation and that the lead time for resources required for equipment is 6 to 9 months.

The Bureau is requesting \$841,000 to restore a permanent reprogramming reduction in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau of Prisons.

In conclusion, a properly trained correctional staff is essential for the Bureau of Prisons to fulfill its public safety mission and provide a safe, secure correctional environment. The Bureau, however, continues to grow and requires an adequate, permanent source of funding as the Bureau's workforce grows and the pressures of managing an increasingly sophisticated and growing inmate population build. Failure to provide adequate training resources could prove "penny wise and pound foolish."

| 1992 Appropriation | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------------|-----------|-----------|---------------|-----------|-------------------|-----------|
| | Pos. | VI Amount | Pos. | VI Amount | Pos. | VI Amount |
| Institution Maintenance..... | 1,003 | \$164,847 | 1,783 | \$178,420 | 1,923 | \$197,128 |
| | | | | | 140 | \$18,708 |

Long-Range Goal: Continue preventive maintenance programs, provide continuous service of all utilities in the most energy efficient manner, and provide transportation services in support of institutional operations.

Major Objectives:

Purchase utilities or maintain and operate utility systems and central power plants.

Maintain and operate telecommunication and transportation services.

Implement motor vehicle management program.

Base Program Description: The Institution Maintenance Program covers the requirements for adequately maintaining and operating the physical plants of the Federal Prison System. Facilities very in age from 100 years to buildings recently constructed. Approximately 75 percent of the facilities are more than 30 years old which is the expected life of buildings without major repair. The facilities are situated on approximately 24,000 acres and contain 30 million square feet of floor area, all of which must be maintained and furnished with utilities. Complex heating and air conditioning systems, high pressure steam power plants, sophisticated hospital equipment, emergency electrical power systems and fire protection and life support systems all require regular maintenance. Each institution maintains communication, security electrical power systems and fire protection and life support systems. The station and mobile units and several electronic detection and control systems. Additionally, this program provides for the maintenance and operation of the maintenance and operations programs. This program includes preventive maintenance projects, on-going preventive maintenance projects estimated to cost \$4,000 or less. Modernization and Repair program of the "Building and Repair" program of the maintenance staff members. Maintenance requirements in excess of \$4,000 are included in the maintenance appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and between five and fifteen inmates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steelers, air conditioning mechanics and electronics repair. A few specific jobs are contracted out because special skills or equipment are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

Accomplishments and Workload: Actual and estimated accomplishments and consumption levels of the Institution Maintenance program are presented in the following table:

| | | | | |
|---|---------|---------|---------|---------|
| Major maintenance projects completed (\$1,000-\$4,000)..... | 1990 | 1991 | 1992 | 1993 |
| Minor maintenance projects completed (\$1,000 or less)..... | 1,070 | 2,217 | 2,522 | 2,802 |
| Power Plants operated..... | 159,200 | 165,100 | 228,900 | 297,500 |
| | 36 | 37 | 43 | 46 |

| Energy Consumption: | 360,437,517 | 394,540,651 | 418,213,000 | 426,577,350 |
|--|---------------|---------------|---------------|---------------|
| Electricity (kwh)..... | 2,182,045,627 | 2,378,429,733 | 2,592,488,408 | 2,744,338,176 |
| Natural gas (cu ft)..... | 1,112,362 | 2,121,495 | 2,248,785 | 2,600,750 |
| #2 Fuel oil (gal.)..... | 512,323 | 525,323 | 530,000 | 625,323 |
| #6 Fuel oil (gal.)..... | 12,182 | 12,182 | 12,182 | 12,182 |
| Coal (tons)..... | 1,155,171 | 1,185,184 | 1,200,000 | 1,346,112 |
| Propane (gal.)..... | 4,761,121 | 5,490,726 | 4,500,000 | 4,990,594 |
| Purchased Steam (lbs.)..... | 961 | 952 | 976 | 994 |
| Purchased Chilled Water (Ton Hours)..... | 11,105,022 | 11,435,360 | 12,007,159 | 13,005,150 |
| Vehicle miles driven..... | | | | |
| Vehicle miles driven..... | | | | |

| Program Charges: | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------------|-----------|-----------------|---------------|-----------------|-------------------|-------------|
| | Per. Pos. | MT Amount | Per. Pos. | MT Amount | Per. Pos. | MT Amount |
| Institution Maintenance..... | 1,783 | 1,706 \$178,420 | 1,923 | 1,774 \$197,128 | 140 | 68 \$18,708 |

This request includes an increase of \$3,376,000 for utilities, trash removal, and maintenance supplies commensurate with a projected population increase of 2,870 from 71,590 in 1992 to 74,460 in 1993.

In addition, this level includes 140 positions, 68 workyears and \$14,398,000 to activate or expand this program at the following facilities scheduled for completion during 1993:

| Facilities: | Estimated Activation Date | Institution Maintenance | |
|--|---------------------------------|-------------------------|------------|
| | | Pos. | Wk. Amount |
| Manchester, NY FCI (1,170 beds)..... | 10/92 | 22 | 16 |
| Brooklyn, NY DOC (500 beds)..... | 12/92 | 17 | 10 |
| Florence, CO Complex (minimum, medium) (1,256 beds)..... | 1/93 | 36 | 28 |
| Alameda, CA (medium) (768 beds)..... | 4/93 | 32 | 11 |
| Miami, FL DOC (846 beds)..... | 9/93 | 31 | 3 |
| Total, Activations (4,640 beds)..... | | 140 | 68 |
| | | | 14,398 |

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. It is also important to note that staff must be hired three months prior to activation and that the lead time for resources required for equipment is six to nine months.

The Bureau is requesting \$934,000 to restore program reductions resulting from a permanent reprogramming in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau of Prisons.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------------------|--------------------|------------|-----------|------------|---------------|------------|-------------------|------------|
| | Pos. | Wk. Amount | Pos. | Wk. Amount | Pos. | Wk. Amount | Pos. | Wk. Amount |
| Contract Confinement..... | 198 | \$106,802 | 198 | \$109,097 | 201 | \$150,479 | 3 | \$41,382 |

Long Range Goal: To provide, through contract, high quality and diversified state, local and private facilities to house all offenders requiring confinement outside the Federal Prison System (including Community Corrections Centers, formerly called Community Treatment Centers). Develop innovative Community Corrections programs to assist the Bureau with institution overcrowding and provide alternative sentencing options for the court.

Major Objectives:

Place all youthful offenders committed under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Sentencing Reform Act of 1984 in appropriate non-federal juvenile facilities.

Place juveniles near their homes and in community-based facilities whenever possible.

House those offenders who are in danger in Federal institutions, in State correctional institutions or other facilities.

House offenders with sentences of up to 180 days or less in local detention facilities.

Provide community residential resources to all FFS releasees deemed eligible and appropriate for release to a Community Corrections Center (CCC) for an average length of stay of 120 days.

Provide 100 percent of the community residential program bed space requested by the Federal courts, the U.S. Probation Service and the U.S. Parole Commission. Offenders sentenced to one year or less, where appropriate, may be placed in a CCC with judicial concurrence.

Thorough and frequent monitoring of contract facilities while providing training for all contractors annually.

- Locate and provide suitable contract facilities to meet the growing needs of the offender population.
- Provide accurate and timely information to the Central Inmate Monitoring and Witness Protection tracking system.
- Keep the Federal law enforcement agencies aware of changes in FPS policy, sentencing alternatives and other areas of concern.
- Maintain close relationships with state and local correctional agencies to exchange information and manage resources.
- Provide individual case management services and perform administrative system functions for inmates confined in contract facilities.

Base Program Description: Certain categories of federal offenders are designated for confinement in State, local and private facilities. These include persons committed under the Federal Juvenile Statutes, who must be separated from adult offenders and placed in community-based facilities near their residence whenever possible; adult offenders, whose lives might be endangered in federal facilities (protection cases); and offenders with short sentences (generally three years or less) who are placed in local detention facilities (jails) for service of sentence.

In addition, FPS contracts with State, local and private community corrections centers for community residential beds for offenders who are eligible and need a pre-release transition program at the end of their sentences before returning to the community; who the federal courts determine need more than probation and less than full institution confinement and services; who are under probation or parole supervision but need more intensive services and/or programs than can be provided under the "street" supervision of the U.S. Probation Officer; and who are committed directly from court generally serving short sentences. Contract CCCs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance. All of the above Community Corrections Centers contain two program components, a Pre-Release Component for those offenders entering the community after serving a portion of their sentence in an institution and a Community Corrections Component, which is more punitive and restrictive for all other types of offenders.

Community Corrections Managers (CCMs) develop contractor resources and negotiate and monitor contracts for the boarding of federal offenders in State and local institutions and in private residential community treatment centers. CCMs also make recommendations for designation of newly sentenced offenders and are responsible for the placement of direct commitments to non-federal facilities. They provide case management services to all federal inmates placed in non-federal institutions and serve as technical consultants to contractors on FPS policy. In addition, CCMs serve as the FPS liaison with members of the U.S. Marshals Service, U.S. Probation Service, U.S. Parole Commission, Federal courts, other federal agencies, state and local government agencies and local community agencies. There are presently 32 CCMs stationed in 32 major cities throughout the United States.

Accomplishments and Workload: Actual and estimated accomplishments for this program are presented in the following table:

| | 1990 | 1991 | Estimate 1992 |
|---|-------|-------|---------------|
| Number of contracts with juvenile facilities..... | 31 | 36 | 31 |
| Number of contracts with adult facilities..... | 28 | 50 | 29 |
| Number of contracts with jails..... | 280 | 320 | 317 |
| Number of contracts with community corrections centers..... | 290 | 264 | 281 |
| Average daily population: | | | |
| Juveniles..... | 124 | 123 | 116 |
| Adult Offenders..... | 1,518 | 1,472 | 1,360 |
| Short Termers..... | 1,156 | 1,312 | 1,100 |
| Contract Community Corrections Centers..... | 3,738 | 3,890 | 4,470 |
| Average Length of Stay in CCC's (days)..... | 104 | 95 | 112 |

Since 1977, with only minor exceptions, the FPS has been able to place all juveniles in non-federal juvenile facilities. During 1990, FPS contracted for the confinement of an average daily population of 124 juveniles. Roughly 24 percent of juveniles are placed in community-based facilities and 27 percent are confined in their state of residence which enhances the opportunity to use available community resources and increases opportunities for visits from

relatives and friends. In addition, FPs used adult state correctional institutions to house an average daily population of 1,518 adult federal prisoners who needed protection and those who had special needs. We believe this action has prevented some deaths and assaults and has allowed these inmates to live in the general population and participate in programs. This program also allows approximately 5,409 short term offenders (or an average daily population of 1,136) to remain in their home community, near families and friends. It also saves the government transportation expense to and from a federal institution.

Since January 1992, the FPs has increased the number of inmates confined in contract CCI's from 948 to approximately 1,000 today. Currently the FPs is providing community residential programs at 82% of all FPs releases deemed eligible and appropriate for release to a CCI for an average length of stay of 90 days. Community Programs Managers continue to closely monitor CCI placements to insure maximum utilization of CCI bed space within funds available.

An added benefit of contracting for the confinement of federal prisoners in non-federal facilities is that contract based population results in a reduction to FPs institution based population and thus reduce overcrowding.

Inmate contributions to the cost of residence in a Community Corrections Center, known as subsistence collections, have increased significantly over the past several years. The amount collected for 1991 was approximately \$7 million, a substantial increase from 1987 when collections amounted to less than \$1 million. In 1992, the Bureau's philosophy of encouraging inmate financial responsibility resulted in Community Corrections Centers and such greater emphasis was placed on subsistence collections. Since June 1992, inmates in CCI's have been required to pay the contractor 25 percent of their gross income, not to exceed the contract per diem rate. The contractors reduce their bills to the Bureau by the amount collected from inmates.

The BOP is involved in three forms of home confinement. The first is a joint effort with the U.S. Parole Commission and the U.S. Probation Service in fourteen selected judicial districts. These programs utilize electronic monitoring devices as supervision tools. On a much smaller scale, the BOP has contracts with local governments to place offenders on electronic monitoring systems. Ordinarily these are pre-release offenders being released to a geographic area where there are no Community Corrections Center resources available.

The third form of home confinement is the monitoring of the inmate by our network of Community Corrections Centers and, unlike the previous groups, these offenders are not monitored with electronic devices. These offenders are in daily telephone contact with the responsible center. Center staff make regular visits to the inmate's residence and place of employment, and the offenders are required to report to the center on a scheduled basis. As of December 31, 1991, there were 113 offenders in this group. With the anticipation of a much higher CCI utilization rate coupled with an estimated 500 inmates annually graduating from the Intensive Confinement Center (ICC), the number of inmates in this form of home confinement could reach an average daily population of 400 by FY 1993.

A pilot work program was established in Philadelphia, Pennsylvania, allowing offenders to be placed in a Community Corrections Center for the last 18 months of their sentence. During the first year in the program the inmate is assigned to a Community Corrections component and is required to perform manual labor for a local federal agency. The only time the inmate is allowed away from the center is for this work assignment or other approved program activity such as substance abuse counseling or religious services. When the inmate reaches six months from release, he or she may then be placed in the pre-release component of the center. In addition to Philadelphia, there are now programs at Kelly AFB, near San Antonio, Texas; the VA Hospital in Dallas, Texas; and Fairchild AFB, Washington. As of January 1992, there are approximately 85 inmates in the program.

| PROGRAM CHANGES: | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---------------------------|-----------|-----|---------------|-----|-------------------|-----------|
| | Pos. | MI | Pos. | MI | Pos. | MI |
| Contract Confinement..... | 198 | 198 | \$109,097 | 201 | 200 | \$150,479 |
| | | | | | 3 | 2 |
| | | | | | | \$41,382 |

In 1993 the Bureau is requesting a total increase of 3 positions, 2 workyears and \$41,102,000 to provide for the Joint BOP/IRS contract facility, to enhance state and local facilities, Contract Community Corrections Centers, and to establish Community Treatment Manager positions.

Of this amount, \$22,016,000 is requested to fund a 1,000-bed Joint BOP/IRS contract facility in the Southwest. These beds will be used for criminal aliens serving federal sentences, and will serve to centralize criminal aliens in order to expedite their removal after completion of their sentences.

Also requested is \$16,441,000 to support an increase of 1,099 in the average daily population housed in state and local facilities. Combined with the 500 beds for the Joint MD/INIS facility the average daily population for state and local facilities will increase from 2,376 in 1992 to 4,165 in 1993. In addition, \$4,516,000 is requested to support an increase of 413 in the average daily population housed in contract community corrections centers (from 4,470 in 1992 to 4,883 in 1993).

Finally, the request includes 3 positions, 2 workyears and \$129,000 to establish three community treatment manager positions. These positions would serve many necessary functions including: providing program oversight for transitional services, direct service providers, contract monitoring and serving as a liaison between the institutions, CCCs and the U.S. Probation Service. The Bureau believes these positions will provide an important linkage between the transitional services component and the rest of the drug abuse treatment program.

The Bureau is requesting \$280,000 to restore program reductions resulting from a permanent reprogramming in 1991. This amount reflects previously unfunded workyear reductions throughout the Bureau of Prisons.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--------------------------------------|--------------------|-------|----------|-----------|-------|----------|---------------|-------|----------|-------------------|-----|--------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Executive Direction and Control..... | 623 | 623 | 838,537 | 623 | 623 | 840,601 | 623 | 623 | 840,601 | ... | ... | ... |
| Administrative Services..... | 371 | 371 | 64,583 | 371 | 371 | 64,515 | 371 | 371 | 64,515 | ... | ... | ... |
| Total..... | 1,194 | 1,194 | 1,01,020 | 1,194 | 1,194 | 1,05,015 | 1,194 | 1,194 | 1,05,015 | ... | ... | ... |

This budget activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management and legal services.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|-------------------------------------|--------------------|-----|---------|-----------|-----|---------|---------------|-----|---------|-------------------|-----|--------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Executive Direction and Control.... | 623 | 623 | 838,537 | 623 | 623 | 840,601 | 623 | 623 | 840,601 | ... | ... | ... |

Long Range Goal: To continue providing effective, comprehensive direction and leadership to the Federal Prison System (FPS) by coordinating, initiating and evaluating planning and operational activities through the various central office branch chiefs, regional office program managers and the executive staff.

Major Objectives:

Establish and enunciate policy.

Provide legal counsel relating to correctional management issues.

Plan, develop, coordinate, and evaluate FPS programs and activities.

Facilitate strategies for Advanced Procurement Planning.

Increase efficiency and program effectiveness.

Investigate alleged employee misconduct.

Maintain capabilities to respond effectively to public and congressional inquiries.

when necessary and appropriate, assist State correctional systems, the District of Columbia Department of Corrections, the U.S. Marshals Service, the Immigration and Naturalization Service and other jurisdictions experiencing difficulties by housing their offenders.

Have all Federal Institutions as well as Central and Regional Offices accredited by the American Correctional Association.

Basic Program Description: The Bureau of Prisons is managed from a Central Office in Washington, D.C., where the Director, Assistant Directors and Assistant Director/General Counsel manage the agency's headquarters functions, and six regional offices each of which is headed by a Regional Director. The Bureau of Prisons Executive Staff, which includes the Director, Assistant Directors, and Regional Directors review all major issues and determine major policy for the BPS.

The Executive Office of the Director is composed of the Director, Internal Affairs, and the Office of General Counsel. These functions serve to assist the Director in managing overall agency functions through the Assistant and Regional Directors.

The Bureau sets and enforces high standards of personnel and professional conduct in its workforce. The Office of Internal Affairs (OIA), under the Director, provides liaison and investigative assistance to the actively established Department of Justice Office of the Inspector General regarding allegations of waste, fraud, mismanagement, and improper activities on the part of agency employees. Investigations that may lead to criminal sanctions are also coordinated by either the Office of the Inspector General (OIG) or the Federal Bureau of Investigation.

The Office of General Counsel and Review provides legal advice and assistance to officials of the Bureau, with regard to management, policy development, decision-making and contract matters.

The Administration Division provides the resources and support necessary for the Bureau to perform in an effective and efficient manner. This includes the development and maintenance of the Bureau's physical facilities, the development of budget requests and stewardship of financial resources, procurement and property management, and other administrative support services as required by the organization.

The Correctional Programs Division is responsible for managing correctional services (security) operations in Bureau institutions, case management and unit management as well as chaplaincy services, psychology services, and inmate systems support.

The Health Services Division's mission is to provide high quality medical, dental, and psychiatric care, nutritious and appetizing meals for inmates, and safe living and working environments for all individuals committed to the custody of and working in the Bureau.

The Human Resource Management Division was created in June 1988. Establishing a separate Human Resource Management Division is consistent with the approach now taken by many public and private sector organizations, providing increased emphasis and priority on national recruitment, selection, training and retention programs and improving integration of Human Resources policy issues with other Bureau-wide policy developments. Its functions also include pay and position management, career development and labor-management relations. With the Bureau's tremendous manpower development needs in the coming decade, this division is particularly critical.

The Program Review Division is responsible for supporting and monitoring the Bureau's strategic planning efforts, and assessing and evaluating all Bureau operations. This Division collects, analyzes, and integrates key management indicator data gleaned from program reviews and other information sources (i.e., strategic planning, advance procurement planning, etc.) to assist Bureau management by providing patterns, trends and issue reports that have system-wide applications. Through the Office of Strategic Planning this Division coordinates the activities of all Warden Advisory Groups (WAGs), monitors the progress of Task Forces appointed by the Bureau's Executive Staff, and prepares summaries of issues presented before the Executive Staff. The Division is also responsible for internal control functions that ensure the validity of Bureau program administrators in performing risk assessments of program functions and acts as liaison with external auditing agencies.

The Community Corrections and Detention Services Division was created in July 1991 in response to the increased emphasis on intermediate punishments coupled with enhanced use of traditional Community Corrections Centers (halfway houses). Community Corrections Program Staff provides programs and facilities for Federal offenders serving their sentences in non-Bureau of Prisons locations and administers procedures for processing offenders entering and being released from BOP facilities. Establishing contracts for and monitoring the operation of Community Corrections Centers (CCC's) is a major function of the Division. Home Confinement, Community Service Projects, Electronic Monitoring and Intensive Confinement release programs are other significant program entities. The Detention Services Branch of the Division coordinates, monitors, and facilitates program services for this segment of the population with Immigration and Naturalization Service, the Executive Office for Immigration Review and other pertinent agencies. Additionally, the

branch is responsible for the primary liaison with the U. S. Marshals Service on matters affecting control, monitoring and program services of the pretrial inmate population. For more information on Community Corrections see the Contract Confinement Decision Unit.

The Information, Policy, and Public Affairs Division was established in July 1991. Generally, this Division facilitates the use and dissemination of information within the Bureau and to external constituents that include Congress; other components of federal, state, and local government; members of the criminal justice community; the media; and the general public. This Division is composed of the Offices of Public Affairs, Research and Evaluation, Information Systems, Policy Review, Documents Control, Security Technology, External Liaison and International Affairs, and Archives.

The Office of Public Affairs is responsible for the public information, congressional liaison and communications functions within the Division. Under the Chief, Office of Public Affairs, are the Bureau's Public Information Officer, Congressional Liaison, and Chief of Communications. The Division's Office of Research and Evaluation provides information relevant to current and future questions in the field of corrections through social science research. Primary functions include conducting studies, developing and maintaining information systems, maintaining the Central Office Library, producing and distributing reports, responding to information requests, providing technical assistance, and processing research proposals. In 1990, the Office of National Policy Review was created, originally within the Office of General Counsel, to improve the accuracy and completeness of Bureau policy; and to determine the best technology for future policy development, distribution, and reference. The Office of Security/Technology identifies, evaluates, acquires, and develops security technology initiatives and equipment within the Bureau. The Office of Information Systems primarily ensures the provision of modern, automated data and information systems for all Bureau locations. Documents Control is primarily responsible for records management, mail, printing, and reproduction services. The Archives ensures that historical recording as well as record and artifact maintenance for a wide variety of media are conducted for significant Bureau events and documents. In addition, this office conducts research and produces publications to communicate and identify historical information/perspectives for use internally and externally for special conferences, events, response to inquiries, and program justifications.

The Office of External Liaison and International Affairs was created in 1991 to coordinate and advise on international issues of interest to the Bureau, to maintain liaison with foreign governments and international organizations requesting assistance and information, and to maintain liaison and assist in coordinating activities with other U.S. Government agencies.

The Associate Commissioner for Federal Prison Industries, Inc. (FPI) reports directly to the Director and to the Federal Prison Industries Board of Directors. The Associate Commissioner is responsible for FPI Industrial Operations and Corporate Management and educational and leisure programs.

Accomplishments and Metrics: Actual and estimated accomplishments for this program are presented in the following table:

| | 1990 | 1991 | 1992 | Estimate |
|---|--------|--------|--------|----------|
| Policy Statements Issued..... | 26 | 36 | 45 | 50 |
| Change Notices..... | 9 | 35 | 35 | 40 |
| Operations Memoranda..... | 211 | 297 | 320 | 350 |
| Tort Claims..... | 3,189 | 3,500 | 3,800 | 4,200 |
| FOIA/Privacy Act Cases..... | 6,100 | 5,800 | 7,200 | 7,900 |
| Administrative Family Cases..... | 20,400 | 22,200 | 24,700 | 30,400 |
| ED Cases..... | 17 | 125 | 110 | 120 |
| Investigations of Alleged Violation of Standards of Professional Conduct..... | 517 | 425 | 410 | 485 |
| GAO/DOJ, OIG Audits..... | 15 | 22 | 35 | 45 |

Negotiated and signed an agreement that will result in the Bureau obtaining a prison facility that would be financed and built by the private sector and leased on an annual basis by the Bureau of Prisons. The agreement (with the Oklahoma City Airport Trust Authority) is for a pre-trial detention facility at the Will Rogers World Airport in Oklahoma City. Oklahoma City was chosen because it is one of the major hubs of the national Prisoner Transportation Program jointly operated by the Bureau of Prisons and the U.S. Marshals Service. Inmates being transported to other institutions in the Federal Prison System have been held over at the Federal Correctional Institution (FCI) in El Reno, Oklahoma, which is about 30 miles west of Oklahoma City. With the completion of this Federal Transfer Center, inmates will be able to stay at the airport while awaiting transportation to their next destination.

During 1991, the Office of Research enhanced the Key Indicators Strategic Support System, an integrated information system that is currently available to managers on micro-computers at 65 institutions, plus other regional and Central Office locations. The system assists managers in identifying significant trends regarding inmates, staff, financial management, and institutional operations. This system is intended to form the backbone of the Bureau's internal management and oversight structures in coming years, and will be integrally related to virtually every function in the agency. Featuring a uniquely blended system of stand-alone microcomputers using mainframe computer data; key indicators provide Bureau managers at all levels with critical

comparative data on not only their own operations, but also emerging trends across all organizational levels. Having this information in hand facilitates prompt, effective management intervention when necessary.

More than 30 research reports were written and distributed. The reports were on such topics as furloughs and recidivism, institution social climate, self-reported substance abuse problems of inmates, the Bureau of Prisons' version of shock incarceration-intensive confinement center, electronic monitoring of offenders, and the relationship of work and vocational training of inmates to post-release employment and criminality.

Research staff also responded to more than 50 major requests for information or technical assistance from Bureau staff and outside agencies, each request requiring from 8 to 160 hours of staff time to complete. Data generated on such topics as population projections, furloughs, non-citizens, UNICOR, and older inmates were considered by managers in formulating Bureau policy and/or programs.

The Office of Research sponsored the first meeting of a new Central Office Research Committee which made recommendations on research proposals which raised issues relating to risk to subjects.

The Prison Social Climate Survey (PSCS) was administered to a representative sample of staff across the Bureau to provide management with information about employee perceptions of their jobs, their place of work, and the Bureau as an organization.

The Bureau continued work on a project conducted through an interagency agreement with the National Institute on Drug Abuse in an effort to evaluate the effectiveness of drug treatment programs within correctional settings.

Also in 1991, the Research staff projected the Bureau's inmate population for the end of the fiscal year, wrote articles for a special research edition of the Federal Prison Journal, and conducted the 1991 Survey of Federal Correctional Facilities in conjunction with the Census Bureau.

In addition to quality control activities; in its first year, the Policy Review office established a database and reporting system to track Bureau policies that are under development or revision, established a centralized, formal policy development liaison with every division, implemented regular reports about policy development to central office managers, developed and implemented a comprehensive staff training program, established standards for maintaining continuity of policy development materials in all offices, and outlined a plan to gradually move toward use of CD ROM to distribute and research policy.

During 1991, the Program Review Division centralized 13 of 14 major program areas within the Bureau; initiated comprehensive tracking of review citations through the Automated Information System (AIS); developed a major effort to train staff in monitoring program activities through use of key indicator data, risk assessment, operational and program review; established a strategy for saving allocated resources through advanced procurement planning with oversight by a Competition Advocacy Program; developed centralized tracking of external agencies auditing for fraud, waste, and abuse; initiated strategic planning training and support to the Central Office, Regional Offices, and field locations, assisting staff in adopting and principles of strategic management to their particular needs.

A Detention Planning Group was established, which includes representatives from the Federal Bureau of Prisons, U.S. Marshal Service, and Immigration and Naturalization Service. This working group meets bi-weekly to discuss operational issues concerning federal detention.

The Office of Public Affairs developed projects that enhance public knowledge of the Bureau and its programs; initiated a joint information project with the National Park Service at the former U.S. Penitentiary, Alcatraz, California; coordinated filing of a Home Box Office documentary at USP Lewisburg, Pennsylvania, which was aired in early 1991; provided information to schools throughout the Nation on corrections and the Bureau of Prisons; and distributed informational packages regarding Bureau operations.

The Public Information Section provided a wide range of public information services to the media, the public, and other organizations; coordinated major media contacts; responded to numerous inquiries from news organizations during a time of intensive scrutiny of correctional activities; and compiled a detailed weekly report from the Director to the Attorney General.

The Congressional Affairs Section conducted a legislative liaison program that included coordination with the Department of Justice Office of Legislative Affairs; maintaining direct contact with Members of Congress and their staffs; managing congressional correspondence and telephone inquiries; and conducting briefings of Bureau institutions for Members and their staffs. This section also processed written and telephonic congressional inquiries regarding Bureau of Prisons operations throughout the country. Additionally, this section works with the Federal Judicial Center in coordinating sentencing institute seminars for federal judges.

The Communications Section developed improved written communications vehicles for Bureau-related information, including the Bureau's "Facilities" and "State of the Bureau" annual publications, the quarterly "Federal Prisons Journal," and the weekly "Monday Morning Highlights," and prepared numerous informational videotape programs. This section also developed projects that enhance public knowledge of the Bureau and its programs, such as a corrections display at the former U.S. Penitentiary, Alcatraz, California; provided information to schools throughout the Nation on corrections and the Bureau of Prisons; and distributed other informational packages regarding Bureau operations.

The Office of Public Affairs also coordinated information regarding Community Relations Boards in Bureau institutions nationwide. Community Relations Boards provide an open avenue of communication for Bureau institutions to their home communities and they are an equally effective method for community representatives to learn about the Bureau and their local institution. Community Relations Boards now operate in the majority of Bureau institutions, offering local citizens, government officials, and other interested parties an opportunity to share with facility staff information about issues of mutual interests.

The Bureau continued to emphasize and offer ethics training to Bureau staff to heighten awareness of ethics-related issues and to prevent development of not only conflict-of-interest situations, but also circumstances that might give the appearance of such a conflict. Approximately 2,000 staff were trained in calendar year 1990.

The BOP prevailed in various court decisions. For example, the District Court in the Northern District of California ruled that the Bureau of Prisons' regulations regarding the prohibition against inmates being reporters or publishing under bylines in the news media, and the restriction against inmates conducting business while confined were not unconstitutional. The court found that the regulations at issue were reasonably related to bona fide penological interests. This decision has been appealed by the plaintiffs in the case. In another case, the Fourth Circuit upheld our regulations on legal mail.

The BPS continues to lend assistance to many state correctional systems experiencing difficulty by housing their offenders. As of January 1992, there are 413 state offenders in BPS facilities. In addition to state prisoners, there are 1,216 from the District of Columbia and 242 territorial prisoners serving sentences in Federal Prisons. To assist the U.S. Marshall's Service in housing un sentenced Federal prisoners due to their inability to renew or negotiate contracts with state and local jails because of overcrowding, the BPS has established or expanded jail units for pre-trial detainees at several institutions. There are 4,747 pre-sentenced detainees in BPS facilities. In addition, at the request of the Immigration and Naturalization Service, the BPS also is housing 1,276 Mariel Cuban detainees.

Current data reveals that 15,422 prisoners are non-citizens, representing 23 percent of the Bureau's total inmate population of 64,453 as of January 1992.

To date, 46 institutions have been accredited by the American Correctional Association for 3-year terms. Ten additional facilities are currently under contract for initial accreditation and 15 institutions are under contract for re-accreditation.

During 1990, the Bureau of Prisons developed the concept of Federal Correctional Centers (FCC). FCC's will be multifunctional facilities, operated by Bureau staff with possible contractor assistance. They will provide the following services:

- Residential programs for pre-release inmates transferred from institutions.
- A residential Community Corrections Component for short-term commitment and community confinement cases.
- A base of operations for home confinement programs; detention space for pre-trial prisoners, short-term confinement, and community program failures.
- A location for Correctional Management Center staff to perform functions now performed in Community Corrections offices.
- A training resource for contract programs in the service area.
- A component for intensive substance abuse treatment.

The Bureau will still use contract programs in smaller areas. FCC's will place the Bureau back in the operational mainstream of community corrections.

| | 1972 Appropriation | | 1973 Base | | 1973 Estimate | | Increases/Decreases | |
|------------------------------|--------------------|------|-----------|------|---------------|------|---------------------|------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| Administrative Services..... | 571 | 571 | 571 | 571 | 571 | 571 | ... | ... |

Long Range Goal: Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

Major Objectives:

Increase the rate of hiring minorities and women to ensure their representation in the workforce.

Increase the number of minorities and women promoted to management and supervisory positions.

Review local labor contracts as they are negotiated assuring compliance with master agreement prior to approval.

Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems.

Provide current and accurate financial management information.

Place more emphasis on program manager involvement in the management of funds.

Provide goods and services to the Bureau of Prisons by maximizing full and open competition.

Continue to enhance SENTRY applications.

Base Program Description: The central and six regional offices are responsible for the functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management.

Personnel administration is largely regulated by the government-wide merit system and requires considerable planning and coordination with both the Department of Justice and the Office of Personnel Management. Coordination is necessary with colleges, high schools, civic groups, public and private groups and organizations in order to recruit an efficient work force. Increased hiring of minorities and women is accomplished through recruitment campaigns, visits to colleges and universities and other similar programs. EEO specialists have been placed in each region in order to help carry out this program.

Training is provided to appropriate personnel in labor/management relations and arbitration. Provisions of newly negotiated Master Agreements and local supplemental agreements are communicated widely to increase employee involvement, particularly field employees, in the process. Merit System Protection Board and arbitration cases are reviewed and analyzed to provide more thorough insight into labor/management policy problems.

The Office of Finance provides for the design, development, and implementation of financial systems and the maintenance and continuous analysis, evaluation and modification of existing systems to ensure compliance with statutory and regulatory requirements and to meet the administrative needs of the FPS. The Office of Finance established property accounting, cost-based budgeting practices and suitable internal control procedures; and develops and provides financial reports on the fiscal status, financial results of operations, and the cost of the FPS's operations. The Office of Finance is also responsible for the development of the FPS's financial operating plans and the administration of funds appropriated to the FPS.

The Property Management and Procurement functions are also the responsibility of the Administration Division. This includes procurement responsibility for all services and supplies; the administration of regulations for all procurement and personnel property and administrative legal claims matters; and the review and interpretation of statutes and regulations of other government agencies relating to all phases of property management and procurement.

In addition, the Trust Fund Branch is responsible for special inmate services, (including inmate telephone system, commissary, inmate trust fund, and laundry). Commissary operations provide opportunities for inmates to purchase items above the necessities of life. Inmate trust fund operations account for all monies on deposit for each inmate. Laundry operations provide all inmates clean clothing, footwear and linens. Other inmate services include provisions for toiletries and writing supplies.

The core system for automation in the Bureau of Prisons is SENTRY. It is an on-line, interactive database management system that is accessible from virtually every department in all BOP facilities. All centralized automation requirements will be met through the SENTRY system. Currently, it encompasses the following functions: inmate population monitoring, sentence monitoring, designations, legal reference system, central inmate monitoring, property management, and electronic mail.

Accomplishments and Workload: Actual and estimated accomplishments for the Administrative Services programs are presented in the following tables:

| | 1990 | 1991 | 1992 | Estimate |
|---|------|------|------|----------|
| National Recruitment Activities/Trips..... | 425 | 717 | 850 | 900 |
| Number of Grievances, Arbitrations, EEO cases, NRP cases..... | 130 | 150 | 175 | 230 |
| Percentage of Women and Minorities in BOP..... | 27% | 29% | 32% | 35% |
| SENTRY Average Daily Transactions (in thousands)..... | 475 | 600 | 650 | 700 |

The Inmate Financial Responsibility program is a systematic collection program for court-imposed fines, fees, and costs, which heretofore has remained unpaid in many instances. It resulted from close coordination between the Bureau, the Administrative Office of the U.S. Courts and the Department of Justice. In March 1987, the Bureau implemented this program system-wide. Under it, the Bureau encourages each sentenced inmate to satisfy his or her legitimate financial obligations and each inmate is provided the opportunity to develop a financial plan to satisfy those obligations. An inmate's participation in the program is reviewed each time unit staff assess an inmate's demonstrated level of responsible behavior (custody classification, furloughs, halfway house placement, etc.).

The program has identified 21,412 Federal inmates who have some type of financial obligation. Of those, 18,905 are participating in the program on a regular basis; over 37,000 have completed their financial obligations. An estimated \$60 million is owed by inmates to the Government through court orders; to date, as a result of participation in this program, inmates have paid over \$54 million through FY 1991 toward satisfaction of those financial obligations.

Major enhancements were made to SENTRY to accommodate the changes made to the security designations program statement. Development was begun on a data entry module which will permit date entry for batch systems to be done on-line and will replace the batch transmission system (BTS). All 4800 line modules were replaced with 8600 line modules providing improved response time. Permitting the Financial Management System (FMS) and Inmate Financial Responsibility System (IRS) to operate on-line over SENTRY circuitry eliminated the need for separate circuitry installed to provide efficient management of SENTRY circuits. Installation of wide area network was begun in the Central Office. A correspondence tracking system for use by all divisions within the Central Office was developed. Programming was completed on a tool control system and a visiting room control program. These will be distributed to all institutions.

The Bureau of Prisons is working with the Department of Justice Finance Staff towards a migration effort to incorporate its accounting system under the Department's Financial Management Information System. This process entails the systematic implementation of various modules of the system and will span the next several years until full implementation. During FY 1991, the implementation of the Draft Payment System was completed.

The Bureau also negotiated a new master contract between BOP and AIG. The Correctional Officer Register continues to be operated by BOP on delegation of authority from the Office of Personnel Management. Training was conducted for all field personnel offices in the recently developed workforce utilization program which utilizes the management of both workyears and positions.

An inmate telephone system will be implemented at all institutions. This system provides automated control over the telephone numbers inmates are permitted to call. Without staff assistance, inmates can call only a specified list of numbers which have been previously approved by staff and this system will help prevent inmates from making unauthorized contacts. In addition, the system makes inmates financially responsible for long-distance telephone calls they make rather than placing this burden on family members and friends. A contract was awarded in August 1991. FCI, Butner, North Carolina was the site of the initial installation and became operational in December 1991. Bureau-wide implementation will be completed over a 2- to 3-year period.

In response to the need to maintain a well-trained cadre of Bureau of Prisons managers, the Leadership Forum program was established. This intensive, one week training program exposes Bureau managers to current management theory and practice, the policy development process, and Bureau expectations for future leadership. To date, approximately 727 Bureau employees have attended this program.

The National Recruitment Office (NRO) was established in September 1987 for the purpose of attracting qualified candidates to staff various entry level positions. NRO creates national advertisements to convey positive images about career opportunities in corrections, and holds informational job fairs at the sites of new facilities. During 1991, over 13,500 requests for employment information were processed in response to aggressive advertising and recruitment activities. Additionally, due largely to NRO efforts over the past two years, both correctional officer registers and correctional officer bilingual registers have quadrupled.

The Bureau of Prisons achieved significant progress in the area of pay enhancements that are critical to staff recruitment and retention, particularly in specialty occupations and high cost areas. Physician Assistants, Psychologists, Correctional Officers, and other occupations benefitted from additional pay rates established in 1990. Nationwide, more than 3,300 employees are now under special pay rates.

During 1990, the Federal Employees Pay Comparability Act of 1990 was passed. This critical legislation contains several provisions which could ultimately enhance the recruitment and retention of qualified law enforcement personnel, especially in certain localities where federal salaries are not competitive with those offered by other public or private sector entities.

The Bureau continued to operate its own applicant processing and hiring program for select occupations, including Correctional Officers. The Bureau now operates the largest examining process in the Federal Government outside of the Office of Personnel Management (OPM). More than 40,000 applicants were processed in 1991.

Optical scan technology was developed for use in a revised Management Preference Profile system for the Bureau, as well as an executive track data base for Preference Profiles. The Career Development Office also created a Managerial Skills Profile for use by agency managers allowing them to receive feedback from their supervisor concerning skills in ten major job dimensions. In addition to its use in providing managers with personal feedback, the process helps to identify the training needs of broad groups of agency managers.

During 1990, the Bureau established a strategy to centralize the review process for all program areas, starting with Health Services, Correctional Services and Community Corrections. In addition, a new system of review was established -- the Institution Character Profile -- resulting from an on-site visit to each institution by Regional Staff to assess the quality of life in each institution, and is intended to complement the Prison Social Climate Survey conducted by questionnaires.

Federal Prison System
Salaries and expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

1993 Activities

| Estimates by Program: | Merchiser, NY FCI | | | Florence, CO | | | Florence, CO | | | Altoona, PA | | | Miami, FL MDC | | | Brooklyn, NY MDC | | |
|--|-------------------|-----|---------|--------------|-----|---------|--------------|-----|---------|-------------|-----|---------|---------------|-----|---------|------------------|-----|---------|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount |
| Inmate care, custody and programs: | | | | | | | | | | | | | | | | | | |
| Inmate care..... | 31 | 23 | \$4,872 | 10 | 14 | \$2,971 | 45 | 33 | \$4,444 | 45 | 15 | \$3,558 | 42 | 3 | \$2,704 | 30 | 20 | \$2,228 |
| Institution security..... | 108 | 79 | 5,468 | 28 | 22 | 1,751 | 121 | 91 | 5,908 | 134 | 45 | 4,100 | 185 | 14 | 3,007 | 148 | 85 | 6,499 |
| Unit management..... | 28 | 21 | 2,295 | 12 | 9 | 1,143 | 40 | 30 | 2,411 | 40 | 13 | 1,872 | 37 | 3 | 1,308 | 28 | 18 | 1,099 |
| Inmate programs..... | 25 | 18 | 1,502 | 6 | 5 | 994 | 30 | 22 | 1,822 | 30 | 9 | 1,099 | 28 | 2 | 731 | 18 | 11 | 895 |
| Subtotal..... | 190 | 141 | 14,137 | 65 | 50 | 6,429 | 236 | 178 | 14,625 | 249 | 82 | 10,529 | 274 | 22 | 7,748 | 223 | 131 | 9,702 |
| Institution administration and maintenance: | | | | | | | | | | | | | | | | | | |
| Institution administration..... | 41 | 31 | 3,887 | 16 | 12 | 1,899 | 61 | 46 | 4,186 | 61 | 20 | 3,558 | 60 | 5 | 2,853 | 53 | 31 | 2,899 |
| Staff training..... | 1 | 1 | 548 | 1 | 1 | 418 | 3 | 2 | 724 | 3 | 1 | 801 | 3 | --- | 888 | 3 | 2 | 631 |
| Institution maintenance..... | 22 | 16 | 3,552 | 6 | 4 | 1,828 | 32 | 24 | 3,074 | 32 | 11 | 2,727 | 31 | 3 | 2,000 | 17 | 10 | 1,379 |
| Subtotal..... | 64 | 48 | 7,987 | 23 | 17 | 4,045 | 96 | 72 | 7,986 | 96 | 32 | 6,986 | 94 | 8 | 5,651 | 73 | 43 | 4,809 |
| Contract confinement..... | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Total..... | 254 | 189 | 21,962 | 88 | 67 | 10,472 | 332 | 249 | 22,591 | 345 | 114 | 17,515 | 368 | 30 | 13,399 | 296 | 174 | 14,801 |

645

Justification of Multi-Activity Program Changes (Cont'd)
(Dollars in thousands)

| Estimates by Program: | Total Activities | | | Population | | | Staffing | | | Medical | | | Contract Confinement | | | Total Changes | | | |
|---|------------------|-----|----------|------------|----|---------|----------|----|---------|---------|----|---------|----------------------|----|----------|---------------|-----|----------|--------|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | |
| Inmate care, custody and programs: | | | | | | | | | | | | | | | | | | | |
| Inmate care..... | 214 | 108 | \$20,815 | | | \$7,539 | | | \$3,318 | | | \$9,726 | | | | 214 | 108 | \$40,387 | |
| Institution security..... | 702 | 336 | 25,733 | | | 646 | | | 1,719 | | | | | | | 702 | 336 | 28,086 | |
| Unit management..... | 183 | 91 | 10,116 | | | 679 | | | 2,603 | | | | | | | 183 | 91 | 13,686 | |
| Inmate programs..... | 136 | 67 | 6,606 | | | 683 | | | 3,751 | | | | | | | 136 | 67 | 11,040 | |
| Subtotal..... | 1,237 | 602 | 63,270 | | | 9,747 | | | 11,391 | | | 9,726 | | | | 1,237 | 602 | 83,133 | |
| Institution administration and maintenance: | | | | | | | | | | | | | | | | | | | |
| Institution administration..... | 262 | 145 | 19,264 | | | 329 | | | 1,776 | | | | | | | 262 | 145 | 21,369 | |
| Staff training..... | 14 | 7 | 3,608 | | | | | | 641 | | | | | | | 14 | 7 | 4,449 | |
| Institution maintenance..... | 140 | 66 | 14,368 | | | 3,376 | | | 934 | | | | | | | 140 | 66 | 18,708 | |
| Subtotal..... | 446 | 220 | 37,270 | | | 3,705 | | | 3,651 | | | | | | | 446 | 220 | 44,526 | |
| Contract confinement..... | | | | | | | | | 260 | | | | 3 | 2 | \$41,102 | | 3 | 2 | 41,362 |
| Total..... | 1,683 | 822 | 100,540 | | | 13,452 | | | 16,222 | | | 9,726 | 3 | 2 | 41,102 | 1,686 | 824 | 179,041 | |

Federal Prison System
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Inmate Care | | Institution Security | | Unit Management | | Inmate Programs | | Institution Administration | | Staff Training | |
|------------------------------------|-------------|---------|----------------------|---------|-----------------|---------|-----------------|---------|----------------------------|---------|----------------|--------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | | | | | | | |
| GM-15 | 13 | \$466 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | \$333 | 0 | 0 |
| GM-14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 963 | 0 | 0 |
| GS-13 | 6 | 286 | 0 | 0 | 0 | 0 | 18 | \$910 | 0 | 0 | 0 | 0 |
| GS-12 | 12 | 484 | 6 | \$242 | 34 | \$1,370 | 23 | \$27 | 23 | \$27 | 0 | 0 |
| GS-11 | 96 | 3,228 | 24 | 607 | 57 | 1,916 | 64 | 2,151 | 26 | 874 | 14 | \$472 |
| GS-10 | 6 | 164 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GS-09 | 6 | 187 | 23 | 639 | 62 | 1,723 | 32 | \$89 | 55 | 1,528 | 0 | 0 |
| GS-08 | 6 | 181 | 186 | 4,079 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GS-07 | 0 | 0 | 222 | 5,043 | 0 | 0 | 0 | 0 | 101 | 2,205 | 0 | 0 |
| GS-06 | 6 | 123 | 241 | 4,927 | 0 | 0 | 0 | 0 | 31 | \$33 | 0 | 0 |
| GS-05 | 0 | 0 | 0 | 0 | 30 | 550 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ungraded | 63 | 2,474 | 0 | 0 | 0 | 0 | 0 | 0 | 34 | 1,335 | 0 | 0 |
| Federal Pay Reform Costs | | 701 | | 3,053 | | 830 | | 643 | | 1,180 | | 64 |
| Total Positions and annual Rate | 214 | 8,666 | 702 | 19,389 | 183 | 6,389 | 136 | 5,520 | 292 | 10,039 | 14 | 536 |
| Leaves (-) | (106) | (1,731) | (366) | (6,777) | (92) | (1,067) | (71) | (1,496) | (147) | (4,146) | (7) | (366) |
| 11.1 Workyears and Compensation | 108 | 6,935 | 336 | 10,612 | 91 | 5,322 | 67 | 5,371 | 145 | 5,891 | 7 | 902 |
| 11.6 Other personnel compensation | 13 | 467 | 37 | 1,336 | 3 | 112 | 3 | 104 | 4 | 152 | 0 | 5 |
| Total Workyears and compensation | 121 | 7,402 | 373 | 11,950 | 94 | 5,434 | 70 | 5,475 | 149 | 6,043 | 7 | 907 |
| 12.0 Personnel benefits | | 2,572 | | 4,534 | | 1,991 | | 1,986 | | 6,857 | | 302 |
| 21.0 Travel and trans of persons | 20 | 21 | 102 | 102 | 0 | 85 | 2 | 1 | 0 | 590 | 0 | 2,653 |
| 22.0 Transportation of things | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,818 | 0 | 0 |
| 23.1 Standard level user charges | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 23.2 Rental payments to others | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 23.3 Co-ops, utilities and misc. | 30 | 30 | 0 | 0 | 0 | 0 | 27 | 0 | 0 | 0 | 0 | 0 |
| 24.0 Printing and reproduction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 25.0 Other services | 9,537 | 9,537 | 695 | 695 | 123 | 123 | 771 | 771 | 2,148 | 2,148 | 190 | 190 |
| 26.0 Supplies and materials | 9,925 | 9,925 | 1,373 | 1,373 | 337 | 337 | 556 | 556 | 905 | 905 | 82 | 82 |
| 31.0 Equipment | 10,660 | 10,660 | 9,444 | 9,444 | 5,539 | 5,539 | 2,244 | 2,244 | 3,007 | 3,007 | 285 | 285 |
| 41.0 Grants, subsidies, and contr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 42.0 Insurance claims and indemn. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Workyears and Oblig. 1993 | 121 | 40,397 | 373 | 26,098 | 94 | 13,598 | 70 | 11,040 | 149 | 21,369 | 7 | 4,448 |

Financial Analysis (Cont'd)

| Grades | Item | Institution | | Contract | | Total | |
|------------------------------------|------|-------------|---------|----------|--------|-------|----------|
| | | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| GM-15 | | 0 | 0 | 0 | 0 | 18 | \$1,198 |
| GM-14 | | 0 | 0 | 0 | 0 | 17 | 943 |
| GS-13 | | 0 | 0 | 0 | 0 | 25 | 1,198 |
| GS-12 | | 6 | \$242 | 3 | \$120 | 107 | 4,312 |
| GS-11 | | 0 | 0 | 0 | 0 | 281 | 9,446 |
| GS-10 | | 0 | 0 | 0 | 0 | 6 | 184 |
| GS-09 | | 0 | 0 | 0 | 0 | 178 | 4,947 |
| GS-08 | | 0 | 0 | 0 | 0 | 192 | 4,830 |
| GS-07 | | 0 | 0 | 0 | 0 | 323 | 7,336 |
| GS-06 | | 0 | 0 | 0 | 0 | 278 | 5,663 |
| GS-05 | | 0 | 0 | 0 | 0 | 30 | 550 |
| Ungraded | | 134 | 5,281 | 0 | 0 | 231 | 9,070 |
| Federal Pay Reform Costs | | | 28 | | | | 6,483 |
| Total Positions and annual Rate | | 140 | 5,531 | 3 | 135 | 1,886 | 59,205 |
| Lapse (-) | | (72) | (2,148) | (1) | 171 | (862) | (17,481) |
| 11.1 Workyears and Compensation | | 68 | 3,385 | 2 | 306 | 824 | 36,724 |
| 11.5 Other personnel compensation | | 2 | 72 | 0 | 2 | 62 | 2,252 |
| Total Workyears and compensation | | 70 | 3,457 | 2 | 308 | 886 | 40,976 |
| 12.0 Personnel benefits | | | 1,400 | | 101 | | 19,723 |
| 21.0 Travel and trans of persons | | | 0 | | 0 | | 3,480 |
| 22.0 Transportation of things | | | 0 | | 0 | | 1,842 |
| 23.1 Standard level user charges | | | 0 | | 0 | | 0 |
| 23.2 Rental payments to others | | | 0 | | 0 | | 0 |
| 23.3 Comm. utilities and miles | | | 6,064 | | 0 | | 6,121 |
| 24.0 Printing and reproduction | | | 0 | | 0 | | 0 |
| 25.0 Other services | | | 570 | | 40,973 | | 55,008 |
| 26.0 Supplies and materials | | | 1,864 | | 0 | | 15,142 |
| 31.0 Equipment | | | 5,253 | | 0 | | 36,662 |
| 41.0 Grants, subsidies, and contr. | | | 0 | | 0 | | 87 |
| 42.0 Insurance claims and indemn. | | | 0 | | 0 | | 0 |
| Total Workyears and Oblig. 1993 | | 70 | 18,708 | 2 | 41,362 | 886 | 179,041 |

Federal Prison System
Salaries and expenses
Priority Ranking

| Base Program | | Program Increases | |
|---------------------------------|---------|---------------------------------|---------|
| Program | Ranking | Program | Ranking |
| Inmate Care..... | 1 | Inmate Care..... | 1 |
| Institution Security..... | 2 | Institution Security..... | 2 |
| Institution Administration..... | 3 | Unit Management..... | 3 |
| Institution Maintenance..... | 4 | Inmate Programs..... | 4 |
| Executive Direction..... | 5 | Staff Training..... | 5 |
| Contract Confinement..... | 6 | Institution Maintenance..... | 6 |
| Unit Management..... | 7 | Contract Confinement..... | 7 |
| Inmate Programs..... | 8 | Institution Administration..... | 8 |
| Administrative Services..... | 9 | | |
| Staff Training..... | 10 | | |

649

Federal Prison System
Salaries and expenses
Schedule of motor vehicles

| Method of Acquisition and Type of Vehicle | 1990 End-of- Year Inventory | 1991 | | End-of- Year | 1992 | | End-of- Year | 1993 | | End-of- Year |
|--|-----------------------------------|----------|----------|-----------------|----------|----------|-----------------|----------|-----------------|-----------------|
| | | Acquired | Disposed | | Acquired | Disposed | | Acquired | Average Cost | |
| Direct Purchase: | | | | | | | | | | |
| Large sedan | 65 | 19 | 3 | 81 | 16 | 4 | 88 | 20 | \$16,500 | 5 |
| Midsize sedan | 39 | 7 | 2 | 44 | 30 | 8 | 66 | 35 | 15,400 | 8 |
| Compact sedan | 47 | 14 | 1 | 60 | 20 | 8 | 72 | 25 | 13,800 | 15 |
| Subcompact sedan | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Small sedan | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Station wagon | 87 | 4 | 7 | 84 | 10 | 7 | 87 | 15 | 16,000 | 15 |
| Van | 168 | 75 | 7 | 236 | 65 | 12 | 289 | 60 | 18,000 | 25 |
| Ambulance | 4 | 2 | --- | 6 | 1 | --- | 7 | 3 | 35,000 | 1 |
| Bus | 56 | 20 | --- | 76 | 4 | 2 | 78 | 8 | 275,000 | 4 |
| Special purpose: 4 wheel drive | 137 | 48 | 18 | 167 | 20 | 30 | 157 | 20 | 17,000 | 25 |
| Other | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Trucks: | | | | | | | | | | |
| Pickup | 416 | 119 | 65 | 470 | 212 | 160 | 522 | 250 | 12,000 | 200 |
| Other | 364 | 20 | 6 | 378 | 32 | 20 | 390 | 60 | 35,000 | 20 |
| Subtotal purchased | 1,363 | 328 | 109 | 1,602 | 410 | 251 | 1,756 | 498 | 20,622 | 318 |
| Leased: | | | | | | | | | | |
| Large sedan | 3 | 4 | 3 | 4 | --- | 3 | --- | --- | --- | --- |
| Midsize sedan | 3 | 2 | 3 | 2 | 10 | 5 | 7 | 10 | --- | 1 |
| Other | 74 | 22 | 45 | 51 | 10 | 12 | 49 | 10 | --- | 10 |
| Subtotal leased | 80 | 28 | 51 | 57 | 20 | 20 | 56 | 20 | 0 | 11 |
| No cost vehicles | 25 | 21 | 15 | 31 | 12 | 14 | 29 | 15 | --- | 15 |
| Total vehicles | 1,488 | 377 | 175 | 1,690 | 442 | 285 | 1,847 | 531 | 20,622 | 344 |
| | | | | | | | | | | 2,034 |

Federal Prison System
Salaries and expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

| Financing: | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|--------------------------------------|-------------|----|---------------|----|--------------|----|-------------------|----|
| | Pos. | WY | Pos. | WY | Pos. | WY | Pos. | WY |
| Collections by Source: | | | | | | | | |
| States..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Staff Housing Rentals..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Prison Industries..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meal Tickets..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Livestock..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Budgetary Resources..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | |
| Obligations by Program: | | | | | | | | |
| Food and Farm Services..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Medical Services..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Inmate Services..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Institution Security..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Institution Administration..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Staff Training..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Institution Maintenance..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Community Programs Management..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Executive Direction and Control..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Administrative Services..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Goods or Services Provided:
Care for inmates from various states.
Housing for staff.
Utilities for Federal Prison Industries.
Meals for staff.
Sale of Livestock.

Justification of Increase/Decrease:
Increased estimates for care of state inmates based on cost of living.

Federal Prison System
Salaries and expenses
Detail of permanent positions by Category
Fiscal Years 1991 - 1993

| Category | 1991 | | 1992 | | 1993 | |
|---|------------|---------------------------|------------|---------------------------|----------------------|--------|
| | Authorized | Adjusted In Perm. Pos. | Authorized | Adjusted In Perm. Pos. | Program Increases | Total |
| Attorneys (805)..... | 10 | 10 | 10 | 0 | 0 | 10 |
| Paralegal Specialist (950)..... | 96 | 103 | 96 | 0 | 0 | 103 |
| Other Legal and Kindred (900-998)..... | 688 | 763 | 688 | 0 | 83 | 846 |
| Correctional Institution Administration (906)..... | 1,040 | 1,139 | 1,040 | 0 | 59 | 1,198 |
| Corrections Officers (907)..... | 10,190 | 10,478 | 10,190 | (101) | 752 | 11,129 |
| Other Misc. Occupations (901-999)..... | 296 | 420 | 296 | 0 | 36 | 456 |
| Soc. Science, Econ. and Kindred (100-199)..... | 1,324 | 1,592 | 1,324 | 0 | 115 | 1,707 |
| Personnel Management (200-299)..... | 570 | 632 | 570 | 0 | 48 | 680 |
| General Admin clerical and office services (300-399)..... | 1,061 | 1,150 | 1,061 | 0 | 61 | 1,211 |
| Biological science (400-499)..... | 1 | 1 | 1 | 0 | 0 | 1 |
| Accounting and Budget (500-599)..... | 621 | 704 | 621 | 0 | 57 | 761 |
| Medical, Dental & Public Health (600-799)..... | 1,928 | 1,974 | 1,928 | (20) | 122 | 2,076 |
| Engineering and Architecture Group (800-899)..... | 22 | 22 | 22 | 0 | 0 | 22 |
| Information and Arts Group (1000-1099)..... | 2 | 2 | 2 | 0 | 0 | 2 |
| Business and Industry Group (1100-1199)..... | 153 | 161 | 153 | 0 | 11 | 172 |
| Mathematics and Statistics Group (1500-1599)..... | 1 | 1 | 1 | 0 | 0 | 1 |
| Equipment, Facilities and Service Group (1600-1699)..... | 419 | 460 | 419 | 0 | 35 | 495 |
| Education Group (1410-1411; 1700-1799)..... | 872 | 931 | 872 | 0 | 70 | 1,001 |
| Supply Group (2000-2099)..... | 98 | 102 | 98 | 0 | 6 | 108 |
| Transportation (2100-2199)..... | 0 | 4 | 0 | 0 | 0 | 4 |
| Ungraded (culinary, farm, mechanical & construction)..... | 2,708 | 2,812 | 2,708 | (26) | 231 | 3,017 |
| Total..... | 22,100 | 23,461 | 22,100 | (147) | 1,686 | 25,000 |
| Washington..... | 607 | 607 | 607 | 0 | 0 | 607 |
| U.S. Field..... | 21,493 | 22,854 | 21,493 | (147) | 1,686 | 24,393 |
| Total..... | 22,100 | 23,461 | 22,100 | (147) | 1,686 | 25,000 |

Federal Prison System
Salaries and expenses
Analysis of Change (1992 - 1993)

| Item | Pos. | FTE | \$'(000) |
|---|--------|--------|-------------|
| 1992 as Enacted..... | 23,461 | 21,003 | \$1,598,920 |
| 1992 Adjustments to base: | | | |
| Adjustments in Permanent Positions and Workyears..... | (147) | (147) | 0 |
| Mandatory Increases: | | | |
| 1992 Pay Annualization..... | 0 | 0 | 8,809 |
| 1993 Pay Increase..... | 0 | 0 | 30,280 |
| Annualization of 1992 Program Increases..... | 0 | 950 | 55,379 |
| Federal Law Enforcement Pay Reform Act..... | 0 | 0 | 18,428 |
| General Pay Reform Act Annualization..... | 0 | 0 | 661 |
| Special Pay Rates..... | 0 | 0 | 3,579 |
| FLSA..... | 0 | 0 | 7 |
| Accident Compensation..... | 0 | 0 | 972 |
| Unemployment Compensation - Increase..... | 0 | 0 | 179 |
| Health Benefits..... | 0 | 0 | 3,078 |
| Federal Insurance Contribution Act (FICA)..... | 0 | 0 | 109 |
| General Services Administration (GSA) Rent..... | 0 | 0 | 1,186 |
| GSA Recurring Reimbursable Services..... | 0 | 0 | 22 |
| General Pricing Level Adjustments..... | 0 | 0 | 8,313 |
| Total, Mandatory Increases..... | 0 | 950 | 131,992 |
| Decreases: | | | |
| One Less Compensable Day..... | 0 | 0 | (4,510) |
| Nonrecurring Activation Costs..... | 0 | 0 | (9,892) |
| Total, Decreases..... | 0 | 0 | (14,202) |
| Total, adjustments to base..... | (147) | 903 | 117,790 |
| 1993 Base..... | 23,314 | 22,706 | 1,716,710 |

Analysis of Change (1992 - 1993) (Cont'l)

| Item | Pos. | FTE | \$ (000) |
|---|--------|--------|-----------|
| 1993 Program Increases: | | | |
| Population Increase..... | 0 | 0 | \$13,452 |
| Activation of New Facilities: | | | |
| Manchester, KY FCI (1,000 beds) (10/92)..... | 254 | 189 | 21,962 |
| Brooklyn, NY MDC (500 beds) (1992 Increase Denied) (12/92)..... | 296 | 174 | 14,601 |
| Florence, CO Complex (min - med) (1,256 beds) (1/93)..... | 420 | 315 | 23,063 |
| Allenwood, PA Complex (medium) (768 beds) (4/93)..... | 345 | 114 | 17,515 |
| Miami, FL MDC (946 beds) (9/93)..... | 368 | 30 | 13,399 |
| Subtotal, Activations (4,470 beds)..... | 1,683 | 822 | 100,540 |
| Medical: | | | |
| 1992 AIDS Treatment..... | 0 | 0 | 4,142 |
| 1992 Contract Medical..... | 0 | 0 | 2,000 |
| Contract Medical..... | 0 | 0 | 2,583 |
| Total, Medical..... | 0 | 0 | 8,725 |
| Contract Confinement: | | | |
| 1992 Contract Space (377)..... | 0 | 0 | 5,000 |
| Joint BOP/INS Private Contract (500)..... | 0 | 0 | 22,016 |
| CCC's (413)..... | 0 | 0 | 4,516 |
| State and Locals (712)..... | 0 | 0 | 9,441 |
| Community Treatment Managers (Drug aftercare)..... | 3 | 2 | 129 |
| Total, Contract Confinement..... | 3 | 2 | 41,102 |
| Restore 1991 Reprogramming..... | 0 | 0 | 15,222 |
| Total, Program Increases..... | 1,686 | 824 | 179,041 |
| 1993 Estimate..... | 25,000 | 23,530 | 1,895,751 |

Bureau of Prisons
Salaries and Expenses
Justification of Appropriations to Base
(Dollars in Thousands)

1992 Adjustment to Base:

1. **Adjustments in Personnel Positions and Workloads:**
 This decrease annualizes the 2 1/2 positions and 2 1/2 workloads cut in 1992 because of the required absorption of unfunded costs from the Federal Law Enforcement Pay Reform Act and the General Pay Reform Act.

Mandatory Increases:

1. **1992 Pay Annualization:**
 This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$5,902,000 pay and \$2,907,000 benefits).
2. **1993 Pay Increase:**
 This request provides for the proposed 3.7 percent pay raise to be effective in January 1993 and is consistent with Administration policy. The amount requested, \$30,260,000, represents the pay amount for three-quarters of the fiscal year plus appropriate benefits (\$20,941,000 pay and \$9,319,000 benefits = \$30,260,000).
3. **Annualization of Additional Positions Approved in 1992:**
 This provides for the annualization of 1,361 additional positions approved by Congress for 1992 for activities and drug abuse treatment.

| | Approved 1992 Increases | Annualization Realized |
|---|----------------------------|---------------------------|
| Annual salary rate of 1,361 approved positions..... | \$39,591 | ... |
| Less leave: | | |
| Net Compensation..... | 30,700 | \$30,700 |
| Associated employee benefits..... | 8,891 | ... |
| Other object classes..... | 3,956 | 12,407 |
| | 80,063 | 13,072 |
| Total costs subject to annualization..... | 100,910 | 56,379 |

4. **Federal Law Enforcement Pay Reform Act of 1990:**
 The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic pay and benefits provisions, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes only annualization of costs for mandatory items in the Act for the final quarter of the year. The total cost of the Act is \$31,952,000; of this amount, we are absorbing \$13,524,000 for a net increase of \$18,428,000.

Est. VI Amount

-147 -147 ...

... 94,809

... 30,260

... 950 56,379

... 18,428

| | Est. | VC | Amount |
|---|------|-----|--------|
| 5. <u>General Pay Reform Act Annualization</u> | ... | ... | 9461 |
| The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between federal and non-federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll reports and provided for new positions, appropriate benefits, vacancy rates and cost-of-living increases and included the 50 percent absorption shown in 1992 for an increase of \$3,943,000; of this amount we are absorbing \$3,302,000 for a net increase of \$641,000. | | | |
| 6. <u>Special Pay Rates</u> | ... | ... | 3,579 |
| This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991. | | | |
| 7. <u>Fair Labor Standards Act (FLSA)</u> | ... | ... | 7 |
| Effective June 2, 1991, the same method used to compute FLSA for FLSA-covered employees who worked regularly scheduled overtime will also be used for those who work irregular and occasional overtime (i.e., paid absence will be counted as time worked). An increase of \$7,000 in employee compensation is required based on the actual increase of what should have been paid. | | | |
| 8. <u>Accident Compensation</u> | ... | ... | 972 |
| This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$10,855,700 or \$972,000 over the 1992 base. | | | |
| 9. <u>Unemployment Compensation - Increases</u> | ... | ... | 179 |
| This request provides for the additional costs necessary in 1993 for the Department to continue payment of unemployment compensation to federal employees. This increase is based on the most recent complete annual billing for the Department provided by the Department of Labor and is a result of the increase in the number of Department employees. Based on actual billings, an increase of \$179,000 is needed. | | | |
| 10. <u>Health Benefits</u> | ... | ... | 3,078 |
| The Federal Employees Health Benefits Act (P.L. 95-264) provided that the Government's share of health insurance would be 40 percent of the total rate commencing in 1975. The requested increase of \$3,078,000 provides funds for actual increased costs from pay period one to pay period two of 1991 projected for a full year. | | | |
| 11. <u>Federal Insurance Contribution Act (FICA)</u> | ... | ... | 109 |
| Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$109,000 is computed based on the increase in the base rate. | | | |

| Pos. | WT | Amount |
|--|-------|---------|
| ... | ... | \$1,196 |
| 12. General Services Administration (GSA) Rent..... | | |
| The GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has allowed an overall 10.45 percent increase. The Department's increase in total equates to this increase, although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$1,196,000 provides for this actual increase over the expected 1992 billing level. | | |
| 13. GSA Reimbursable Services..... | 22 | |
| Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. Increase amounts by organization vary based on anticipated actual billings. This request for \$2,000 includes a departmental redistribution that more accurately spreads the current resources. | | |
| 14. General Pricing Level Adjustments..... | 8,313 | |
| This request applies GSA pricing increases of December 12, 1991, to selected commodities. The increased costs identified result from applying a factor of 3.2 percent against those subject classes where the prices that the Government pays are established through the market system (contracts by law or regulation). Generally, the factor is applied to supplies, materials, equipment, contracts, with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. The total cost for this increase is \$20,846,000; out of this amount, we are absorbing \$12,551,000 for a net increase of \$8,313,000. | | |
| Total Mandatory Increases..... | 990 | 131,992 |
| Decreases: | | |
| 1. One Less Compensable Day..... | ... | -4,510 |
| The annual salary rate for federal employees is based on 260 paid days. The year 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$3,021,000 for pay and \$1,489,000 for benefits. | | |
| 2. Non-structuring Costs..... | ... | -9,692 |
| This provides for a reduction of the one-time costs (Charge of Duty Station, inventory and equipment activating new facilities) approved in 1992. | | |
| Total Decreases..... | ... | -14,202 |
| TOTAL ADJUSTMENTS TO BASE..... | 803 | 117,790 |

Federal Prison System
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|
| Grades and salary ranges | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| ES-6 \$112,100..... | 1 | | 1 | | 1 | | 0 | 0 |
| ES-4 \$104,000..... | 13 | | 13 | | 13 | | 0 | 0 |
| ES-3 \$96,600..... | 3 | | 3 | | 3 | | 0 | 0 |
| ES-2 \$94,400..... | 6 | | 6 | | 6 | | 0 | 0 |
| ES-1 \$90,000..... | 1 | | 1 | | 1 | | 0 | 0 |
| GS/GM-15 \$84,233-83,502..... | 247 | | 258 | | 276 | | 18 | 18 |
| GS/GM-14 \$84,607-70,967..... | 355 | | 396 | | 413 | | 17 | 17 |
| GS/GM-13 \$46,210-60,070..... | 400 | | 396 | | 421 | | 25 | 25 |
| GS-12 \$38,661-50,516..... | 1,372 | | 1,465 | | 1,572 | | 107 | 107 |
| GS-11 \$32,423-42,152..... | 3,308 | | 3,527 | | 3,608 | | 281 | 281 |
| GS-10 \$29,511-38,367..... | 94 | | 96 | | 102 | | 6 | 6 |
| GS-09 \$26,788-34,835..... | 2,366 | | 2,490 | | 2,668 | | 178 | 178 |
| GS-08 \$24,262-31,643..... | 2,718 | | 2,888 | | 3,080 | | 192 | 192 |
| GS-07 \$21,906-28,476..... | 6,344 | | 6,580 | | 6,756 | | 176 | 176 |
| GS-06 \$19,713-25,626..... | 1,937 | | 2,167 | | 2,445 | | 278 | 278 |
| GS-05 \$17,666-22,996..... | 458 | | 409 | | 439 | | 30 | 30 |
| GS-04 \$15,808-20,551..... | 24 | | 24 | | 24 | | 0 | 0 |
| GS-03 \$14,062-18,303..... | 15 | | 15 | | 15 | | 0 | 0 |
| Ungraded positions..... | 2,438 | | 2,726 | | 2,957 | | 231 | 231 |
| 1993 pay increase..... | 0 | | 0 | | 0 | \$27,921 | 0 | \$27,921 |
| Total appropriated positions..... | 22,100 | \$630,327 | 23,461 | \$714,597 | 25,000 | \$831,190 | 1,539 | \$116,593 |
| Pay above stated annual rates..... | 0 | 2,424 | 0 | 5,409 | 0 | 2,388 | 0 | (3,021) |
| Lapses..... | (4,846) | (113,221) | (1,684) | (40,416) | (1,596) | (47,880) | 88 | (7,464) |
| Savings due to lower pay scales part of year..... | 0 | (6,554) | 0 | (5,902) | 0 | (6,980) | 0 | (1,078) |
| Net full-time permanent..... | 17,254 | 512,976 | 21,777 | 673,688 | 23,404 | 776,718 | 1,627 | 105,030 |
| Other than permanent..... | 343 | 8,523 | 126 | 8,245 | 126 | 8,245 | 0 | 0 |
| Other personnel compensation..... | 1,026 | 57,259 | 830 | 60,129 | 892 | 64,446 | 62 | 4,317 |
| Special personnel services payments..... | | 11,312 | | 12,180 | | 12,180 | 0 | 0 |
| Total, workyears and personnel compensation..... | 18,623 | 590,070 | 22,733 | 754,242 | 24,422 | 863,589 | 1,689 | 109,347 |
| Average ES Salary..... | | (89,261) | | (83,456) | | (87,848) | | |
| Average GS/GM Salary..... | | (29,839) | | (31,364) | | (33,354) | | |
| Average GS/GM Grade..... | | (8.6) | | (8.6) | | (8.6) | | |
| Average Ungraded Salary..... | | (35,001) | | (36,471) | | (38,550) | | |

Summary of Requirements by Grade and Object Class (Cont'd)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| 11 Personnel compensation: | | | | | | | | |
| 11.1 Full-time permanent: | 17,471 | \$512,976 | 21,777 | \$673,686 | 23,404 | \$778,718 | 1,627 | \$105,030 |
| 11.3 Other than full-time permanent: | | | | | | | | |
| Temporary Employment: | 74 | 6,324 | 74 | 4,947 | 74 | 4,947 | 0 | 0 |
| Other part-time and intermittent employment: | 52 | 2,199 | 52 | 3,298 | 52 | 3,298 | 0 | 0 |
| 11.5 Other personnel compensation: | | | | | | | | |
| Overtime: | 622 | 31,652 | 614 | 35,240 | 676 | 38,126 | 62 | 2,886 |
| Other compensation: | 404 | 25,607 | 216 | 24,889 | 216 | 26,320 | 0 | 1,431 |
| 11.8 Special personnel compensation: | 0 | 11,312 | 0 | 12,180 | 0 | 12,180 | 0 | 0 |
| Total: | 18,623 | 590,070 | 22,733 | 754,242 | 24,422 | 863,589 | 1,689 | 109,347 |
| 12 Personnel benefits: | | | | | | | | |
| 13 Benefits for former personnel: | 194,742 | | 256,171 | | | 307,660 | | 51,489 |
| 21 Travel and transportation of persons: | 410 | | 429 | | | 428 | | 0 |
| 22 Transportation of things: | 22,759 | | 41,709 | | | 45,050 | | 3,341 |
| 23.1 GSA rent: | 5,870 | | 7,358 | | | 7,228 | | (130) |
| 23.2 Rental payments to others: | 5,865 | | 5,342 | | | 6,607 | | 1,265 |
| 23.3 Communications, utilities and misc. charges: | 1,038 | | 786 | | | 791 | | 5 |
| 24 Printing and reproduction: | 65,548 | | 74,439 | | | 85,092 | | 10,653 |
| 25 Other services: | 3,740 | | 947 | | | 989 | | 42 |
| 26 Supplies and materials: | 225,527 | | 259,799 | | | 321,700 | | 61,901 |
| 31 Equipment: | 164,198 | | 155,540 | | | 176,326 | | 20,786 |
| 41 Grants, subsidies, and contributions: | 42,036 | | 23,643 | | | 60,738 | | 37,095 |
| 42 Insurance claims and indemnities: | 1,435 | | 1,635 | | | 1,755 | | 120 |
| 43 Interest and dividends: | 134 | | 239 | | | 239 | | 0 |
| Total direct obligations: | 88 | | 0 | | | 0 | | 0 |
| | 1,323,460 | | 1,582,279 | | | 1,878,193 | | 295,914 |

Summary of Requirements by Grade and Object Class (Cont'd)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease Positions & Workyears | Amount |
|--|--------------------------|-----------|--------------------------|-----------|--------------------------|-----------|---|---------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | | |
| ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | | | |
| 11.1 Personnel compensation: | | | | | | | | |
| Military..... | | \$12,895 | | \$11,815 | | \$12,488 | | 8473 |
| Total workyears and personnel compen..... | | 12,895 | | 11,815 | | 12,488 | | 673 |
| Other Objects: | | | | | | | | |
| 12.1 Personnel benefits: Military..... | | 5,033 | | 4,493 | | 4,745 | | 252 |
| 21 Travel and transportation of persons..... | | 113 | | 44 | | 42 | | (2) |
| 22 Transportation of things..... | | 174 | | 119 | | 115 | | (4) |
| 25 Other services..... | | 275 | | 170 | | 168 | | (2) |
| Total direct obligations, HHS Allocation..... | 18,490 | 18,490 | | 18,641 | | 17,558 | | 917 |
| Total obligations Salaries and Expenses..... | 18,623 | 1,341,950 | 22,733 | 1,598,920 | 24,422 | 1,695,761 | 1,689 | 298,831 |
| Unobligated balance, start-of-year..... | | ... | | ... | | ... | | |
| Unobligated balance, end-of-year..... | | ... | | ... | | ... | | |
| Unobligated balance, lapsing..... | | 11,870 | | ... | | ... | | |
| Total requirements..... | | 1,353,820 | | 1,598,920 | | 1,695,761 | | |
| Relation of obligations to outlays: | | | | | | | | |
| Total obligations..... | | 1,341,950 | | 1,598,920 | | 1,695,761 | | |
| Obligated balance, start-of-year..... | | 167,392 | | 212,661 | | 165,655 | | |
| Obligated balance, end-of-year..... | | (212,861) | | (185,555) | | (286,269) | | |
| Outlays..... | | 1,316,461 | | 1,626,246 | | 1,795,037 | | |

Department of Justice
Federal Prison System
National Institute of Corrections
Estimates for Fiscal Year 1992
Table of Contents

| <u>Item</u> | <u>PAGE NUMBER</u> |
|--|--------------------|
| Summary Statement..... | 1 |
| Justification of Proposed Changes in Appropriation Language..... | 2 |
| Crosswalk of 1992 Changes..... | 3 |
| Summary of Requirements..... | 4 |
| Justification of Program and Performance..... | 5 |
| Detail of Permanent Positions by Category..... | 7 |
| Summary of Change..... | 8 |
| Justification of Adjustments to Base..... | 9 |
| Summary of Requirements by Grade and Object Class..... | 11 |

Federal Prison System
National Institute of Corrections
Summary Statement
Fiscal Year 1973

The National Institute of Corrections (NIC) is requesting, for 1973, a total of \$11,055,000, 53 permanent positions and 53 workyears. This request represents an increase of \$835,000 over the 1972 appropriation enacted.

The mission of the NIC is to work with Federal, State and local governments to assist them in developing and training corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

The NIC has one budget activity. The major initiatives and resource requests are summarized below:

Drug Control Strategy

An increase of \$500,000 is requested to enable the Institute to respond to the initiatives identified in the Administration's National Drug Control Strategy. The third phase of the National Drug Control Strategy mentions the Institute's efforts in the areas of: Intermediate Sanctions, Reducing Prison Construction and Operating Costs, Reducing Prison Classification, and Identifying the Administration of the Institute's State and local training and technical assistance programs as one of its National Funding Priorities for fiscal years 1972 through 1974.

Specifically, in our prisons area, focus will be given to such issues as controlling operating costs in an era of burgeoning populations, and the effect this condition has had on the physical plant, programs and personnel. Our efforts will provide for the award of eight (8) technical assistance grants and the delivery of 16 additional short-term technical assistance events; planning and developing eight (8) additional training programs in the area of boot camp programs, managing chronic and traumatic stress in the prison environment by offering assistance to managers; and managing the violent and aggressive inmate. This last seminar was offered for the first time in 1970 with applications exceeding availability by 400 percent. Also, we will offer a seminar dealing with managing prison disturbances and gangs. This seminar is currently offered only once a year and is also over-subscribed, and provides state participants with operational strategies for managing prison disturbances and gangs. Additional developmental programs in the areas of drug detection and interdiction; a study of prison complexes; refining objective classification systems; and a look at organizational change as a response to the growth explosion will be pursued through grant awards. Through our National Academy of Corrections the focus will be the delivery of training in such areas as treatment skills for professionals working with drug offenders; the female offender; drug dependency; impact of drugs on prison/jail security; and regional forums for correctional executives dealing with substance abuse issues.

In the area of Community Corrections, the focus will be in the area of intermediate sanctions. It is widely recognized that due to the necessity to adjudicate the high volume of drug cases, the principles of intermediate sanctions have been adopted. NIC programs exist to provide the effective use of intermediate sanctions by improving the working relationship of the courts and other criminal justice agencies having jurisdiction over the process, and in the design, implementation and management of Community Corrections programs. This process can provide practical information through training and technical assistance to teams of judges, chief probation officers, prosecutors, legislators and other key officials by building credible and effective ranges of sanctions. The involvement of a team of Federal Criminal Justice System representatives (courts, probation & BOP) may prove to be of some relevance.

In the jails area the impact of the war on drugs has resulted in an unprecedented demand for bedspace in systems already operating well beyond their rated capacities. In our attempt to ameliorate this condition, the NIC Jails Division has developed programs to assist jurisdictions in analyzing their detention needs through its Planning of New Institutions, Jail Crowding and Population Management, and Jail Design Review, etc., programs. Funding shortfalls, however, have eroded our ability to address fully the need in these areas or pursue any new initiatives.

Federal Prison SystemNational Institute of CorrectionsJustification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

National Institute of Corrections

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, 1910, 221, 000*811,053,000 to remain available until expended.

(18 U.S.C. 4351-4353; Department of Justice and Related Agencies, Appropriations Act, 1992; additional authorization limitation is increased.)

Explanation of Changes

No substantive changes proposed.

Federal Prison System
National Institute of Corrections
Escalation of 1992 Changes
(Dollars in thousands)

| | | | | | | |
|-----------------------------------|-------------------------|---------------|-----------------------|---------------|------------------------|---------------|
| <u>Activity/Program</u> | <u>1992 President's</u> | | <u>Approved</u> | | <u>1992 As Enacted</u> | |
| | <u>Budget Request</u> | | <u>Reconciliation</u> | | <u>Pos VI Amount</u> | |
| National Institute of Corrections | <u>Pos VI</u> | <u>Amount</u> | <u>Pos VI</u> | <u>Amount</u> | <u>Pos VI</u> | <u>Amount</u> |
| | 53 | 53 \$10,221 | ... | | 53 | 53 \$10,221 |

Federal Prison System
National Institute of Corrections
Summary of Requirements
(Dollars in thousands)

| Adjustments to base: | Perm. Pos. | Work- Intr. | Amount |
|--------------------------|---------------|----------------|----------|
| 1992 As Enacted..... | 53 | 53 | \$10,221 |
| Mandatory Increases..... | ... | ... | 346 |
| Decreases..... | ... | ... | -12 |
| 1993 Base..... | 53 | 53 | 10,335 |

| | 1991 Enacted | | 1991 Actual | | 1992 As Enacted | | 1992 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------------------|---------------|--------------|---------------|--------------|-----------------|--------------|---------------|--------------|---------------|--------------|-------------------|--------------|
| Estimates by Budget Activity | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount |
| National Institute of Corrections | 53 | 10,007 | 54 | 10,009 | 53 | 810,221 | 53 | 810,555 | 53 | 811,055 | ... | \$500 |
| EOY Employment: | | | | | | | | | | | | |
| Full-time permanent | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Other than permanent | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total | 53 | ... | 54 | ... | 53 | ... | 53 | ... | 53 | ... | ... | ... |
| | | | | | | | | | | | Aggr. Reimb. | Total |
| | | | | | | | | | | | ... | ... |

Federal Prison System
National Institute of Corrections (NICOS)
Justification of Program and Performance

Long Range Goal: Provide leadership in moving corrections toward greater professionalism; develop national policies from the guidance and coordination of Federal agencies and initiatives affecting corrections; serve as a national center to which State and local correctional agencies can turn to receive many different types of assistance; and serve as a source of correctional information and knowledge about correctional programs, policies, planning standards, and practices.

Major Objectives:

To assist in the improvement of State and local jail operations nationwide so they may become more humane, fair, efficient, effective, and comply with legal requirements.

To strengthen correctional programs by effective and efficient utilization of staff and organizational resources.

To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.

To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional community to upgrade skills of personnel.

Base Program Description: In an effort to increase coordination, reduce duplication, and upgrade State and local corrections, the National Institute of Corrections has initiated several activities, including developing memoranda of understanding between Federal agencies, placing representatives of several Federal agencies on the NIC Advisory Board, and conducting frequent meetings with representatives from the entire spectrum of correctional practices. An annual plan is approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical assistance and clearinghouse, policy/program development and evaluation to accomplish the objectives in the plan.

Accomplishments and Workload: Accomplishments of the National Institute of Corrections program are presented in the following table:

| Item | 1993 | | | | |
|-------------------------------------|--------|--------|--------|---------------|------------------|
| | 1990 | 1991 | 1992 | Base Level | Request Level |
| Application papers processed..... | 350 | 350 | 350 | 350 | 350 |
| Contracts awarded..... | 45 | 38 | 35 | 35 | 35 |
| Technical assistance provided..... | 642 | 700 | 1,042 | 1,042 | 1,162 |
| Training participants..... | 1,902 | 4,813 | 4,900 | 4,900 | 4,900 |
| Information requests processed..... | 16,010 | 16,010 | 16,010 | 16,010 | 16,010 |

During 1991, the National Institute of Corrections awarded 38 grants and contracts to state and local correctional agencies, organizations and individuals to carry out its mission. The Institute responded to 700 requests for technical assistance from state and local agencies in all 50 states, and the District of Columbia. Training was provided to 1,525 managers, administrators, and staff trainers at the National Academy of Corrections. In addition, due to the implementation of some new strategies, an additional 3,288 individuals were trained. These strategies include audio-conferences, participation at national conference, networking and technical assistance training. These trainees subsequently provided similar training for nearly 22,500 correctional staff in their agencies. The NIC Information Center responded to over 16,000 information requests from Federal, State and local practitioners, due to more widespread marketing of the Information Center services.

Program Changes:

| National Institute of Corrections | 1992 Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--------------------------------------|--------------|----------|-----------|-----|---------------|-----|-------------------|----------|
| | Pos. | VI | Pos. | VI | Pos. | VI | Pos. | VI |
| | \$3 | \$3 | \$3 | \$3 | \$3 | \$3 | ... | ... |
| | \$10,221 | \$10,221 | \$3 | \$3 | \$10,555 | \$3 | \$3 | \$11,055 |
| | | | | | | | ... | ... |
| | | | | | | | ... | \$500 |

A program increase of \$500,000 would enable the Institute to carry out initiatives identified in the third phase of the Drug Control Strategy, and continue collaboration with the National Aeronautics and Space Administration and delivery of technical assistance and training to foreign governments. The additional funds will be expended in object class 25.0, Other Services.

Federal Prison System
National Institute of Corrections
Detail of Permanent Position by Category
Fiscal Years 1991 - 1992

| Category | 1991 Authorized | 1992 Authorized | 1993 Request |
|---|--------------------|--------------------|-----------------|
| Correctional Institution Admin. (006)..... | 26 | 26 | 26 |
| General Administration, Clerical and | 19 | 19 | 19 |
| Office Services (300-399)..... | 6 | 6 | 6 |
| Accounting and Budget (300-399)..... | 1 | 1 | 1 |
| Information and Arts group (1000-1099)..... | 1 | 1 | 1 |
| Attorneys (400)..... | | | |
| Total..... | 53 | 53 | 53 |
| Washington..... | 28 | 28 | 28 |
| U.S. Field..... | 25 | 25 | 25 |
| Total..... | 53 | 53 | 53 |

Federal Prison System
National Institute of Corrections
Summary of Change
(Dollars in thousands)

| | Perm. Pos. | Work- Year | Amount |
|---|---------------|---------------|--------|
| 1992 As Enacted..... | 53 | 53 | 10,221 |
| Mandatory Increases: | | | |
| 1992 Pay Annualization..... | ... | ... | 30 |
| Special pay raise..... | ... | ... | 84 |
| General Pay Rates..... | ... | ... | 19 |
| General Pay Reform Act Annualization..... | ... | ... | 7 |
| Health Benefits..... | ... | ... | 18 |
| Travel Mileage..... | ... | ... | 1 |
| Government Printing Office and Department Printing..... | ... | ... | 6 |
| General pricing level adjustment..... | ... | ... | 181 |
| Total, mandatory increases..... | ... | ... | 346 |
| Decreases: | | | |
| One less compensable day..... | ... | ... | -12 |
| 1993 Base..... | 53 | 53 | 10,555 |
| Program Increases..... | ... | ... | 500 |
| 1993 Estimate..... | 53 | 53 | 11,055 |

Federal Prison System
National Institute of Corrections
Justification of Adjustments to Base
(Dollars in thousands)

Amount

Mandatory Increases:

1. 1992 Pay Annualization..... This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$21,000 pay and \$9,000 benefits).
\$30
2. 1993 Pay Rais..... This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$84,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$64,000 pay and \$20,000 benefits = \$84,000).
84
3. General Pay Reform Act Annualization..... The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differentials for GS-5, 7 and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rates and cost-of-living increases, and included the 50 percent absorption shown in 1992 for an increase of \$36,000; of this amount we are absorbing \$29,000 for a net increase of \$7,000. No increases are requested for discretionary allowance.
7
4. Special Pay Rates..... This request provides increases as authorized by law in 5 USC 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991.
19
5. Health Benefits..... The Federal Employees Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$18,000 provides funds for actual increased cost from pay period 1 to pay period 2 of 1991 projected for a full year.
18

| | |
|---|-----|
| 6. <u>Travel Mileage</u> | \$1 |
| The Travel Expense Amendment Act of 1975, P.L. 94-22, authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 25.0 cents. This increase provides \$1,000 for this change in allowance. | |
| 7. <u>Government Printing Office (GPO) and Department Printing</u> | 6 |
| GPO is currently projecting a four-percent increase over the 1992 printing costs of \$161,000. The Department is also projecting a four-percent increase over the 1992 duplicating costs of \$6,000. An additional \$6,000 will be required in 1993 for printing done either by GPO or the Department's duplicating facilities. | |
| 8. <u>General pricing level adjustment</u> | 181 |
| This request applies GDS pricing guidance as of December 12, 1991, to selected expense categories. The increase costs identified result from applying a factor of 3.2 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulations. The factor is applied to supplies, material, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where increases have already been built into the 1993 estimates. The total cost for this increase is \$232,000; out of this amount, we are absorbing \$51,000 for a net increase of \$181,000. | |
| Total, mandatory increases..... | 346 |
| Decreases (Automatic non-policy) | |
| 1. <u>One Less Compensable Day</u> | -12 |
| The annual salary rate for Federal employees is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$9,000 for pay and \$3,000 for benefits. | |
| Total decreases..... | -12 |
| Total, adjustments to base..... | 334 |

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|-------------------------|------------|-------------------------|-------------|-------------------------|-------------|-------------------------|--------|
| | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount | Position & Workyears | Amount |
| Grades and Salary Ranges | | | | | | | | |
| ES-5, \$108,000..... | 1 | ... | 1 | ... | 1 | ... | ... | ... |
| GS/GR-15, \$64,232-\$3,504..... | 6 | ... | 6 | ... | 6 | ... | ... | ... |
| GS/GR-14, \$54,607-\$3,987..... | 4 | ... | 5 | ... | 5 | ... | ... | ... |
| GS/GR-13, \$46,211-\$6,070..... | 16 | ... | 16 | ... | 16 | ... | ... | ... |
| GS-12, \$38,191-\$7,116..... | 2 | ... | 1 | ... | 1 | ... | ... | ... |
| GS-11, \$32,024-\$7,812..... | 1 | ... | 1 | ... | 1 | ... | ... | ... |
| GS-10, \$26,522-\$8,635..... | 3 | ... | 3 | ... | 3 | ... | ... | ... |
| GS-9, \$24,242-\$11,543..... | 1 | ... | 1 | ... | 1 | ... | ... | ... |
| GS-8, \$21,904-\$8,476..... | 5 | ... | 6 | ... | 6 | ... | ... | ... |
| GS-7, \$19,713-\$5,626..... | 3 | ... | 2 | ... | 2 | ... | ... | ... |
| GS-6, \$17,686-\$2,996..... | 9 | ... | 9 | ... | 9 | ... | ... | ... |
| GS-5, \$15,808-\$2,551..... | 2 | ... | 2 | ... | 2 | ... | ... | ... |
| 1993 Pay Rises..... | ... | ... | ... | ... | ... | \$85 | ... | \$85 |
| Total, appropriated positions..... | 53 | \$2,122 | 53 | \$2,270 | 53 | \$2,398 | ... | \$128 |
| Pay above stated annual rates..... | ... | ... | ... | 17 | ... | 8 | ... | -9 |
| Leaves..... | -4 | -430 | ... | ... | ... | -6 | ... | -6 |
| Savings due to lower pay scales for part of year..... | ... | -20 | ... | -21 | ... | -21 | ... | ... |
| Net full-time permanent..... | 49 | 1,672 | 53 | 2,266 | 53 | 2,379 | ... | 113 |
| Average ES Salary..... | | (\$93,700) | | (\$108,300) | | (\$108,300) | | |
| Average GS/GR Salary..... | | (\$39,880) | | (\$41,731) | | (\$43,273) | | |
| Average GS/GR Grade..... | | (12.3) | | (12.3) | | (12.3) | | |

**Federal Prison System
National Institute of Corrections
Summary of Obligations by Object Class
(Dollars in thousands)**

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease |
|---|-------------|--------|---------------|--------|---------------|---------|-------------------|
| | Workyears | Amount | Workyears | Amount | Workyears | Amount | Workyears Amount |
| 11.1 Full-time permanent..... | 49 | 91,672 | 53 | 92,246 | 53 | 92,379 | ... |
| 11.3 Other than full-time permanent..... | ... | 58 | ... | ... | ... | ... | ... |
| 11.5 Other personnel compensation..... | ... | 863 | ... | ... | ... | ... | ... |
| Total, workyears and personnel compensation..... | 49 | 92,593 | 53 | 92,246 | 53 | 92,379 | ... |
| 12 Personal services..... | ... | 573 | ... | 648 | ... | 640 | ... |
| 21 Travel & transportation of persons..... | ... | 225 | ... | 307 | ... | 307 | ... |
| 22 Transportation of things..... | ... | 64 | ... | 145 | ... | 145 | ... |
| 23.1 Rental payments to GSA..... | ... | 1 | ... | ... | ... | ... | ... |
| 23.2 Rental payments to others..... | ... | -71 | ... | 529 | ... | 529 | ... |
| 23.3 Communications, utilities and miscellaneous charges..... | ... | 40 | ... | 133 | ... | 133 | ... |
| 24 Printing and reproduction..... | ... | 86 | ... | 161 | ... | 161 | ... |
| 25 Other services..... | ... | 5,814 | ... | 5,016 | ... | 5,705 | ... |
| 26 Supplies and materials..... | ... | 145 | ... | 102 | ... | 102 | ... |
| 31 Equipment..... | ... | 155 | ... | 278 | ... | 278 | ... |
| 41 Grants, subsidies, and contributions..... | ... | 383 | ... | 346 | ... | 346 | ... |
| Total obligations..... | 49 | 10,009 | 53 | 10,221 | 53 | 11,055 | ... |
| Unobligated balance, start-of-year..... | ... | -148 | ... | -146 | ... | -146 | ... |
| Unobligated balance, end-of-year..... | ... | 146 | ... | 146 | ... | 146 | ... |
| Total requirements..... | ... | 10,007 | ... | 10,221 | ... | 11,055 | ... |
| Relation of obligations to outlays: | ... | ... | ... | ... | ... | ... | ... |
| Total obligations..... | ... | 10,007 | ... | 10,221 | ... | 11,055 | ... |
| Obligated balance, start-of-year..... | ... | 7,025 | ... | 6,739 | ... | 9,330 | ... |
| Obligated balance, end-of-year..... | ... | -6,739 | ... | -9,330 | ... | -12,961 | ... |
| Outlays..... | ... | 10,293 | ... | 7,430 | ... | 7,424 | ... |

Note: For 1991, the obligated amount of \$10,009,000 differs from actual obligations of \$11,385,000, as reported in the gallery, due to reimbursable income totaling \$1,376,000.

Department of Justice
Federal Prison System
Buildings and Facilities
Estimates for Fiscal Year 1993
Table of Contents

| <u>Item</u> | <u>Page</u> <u>Number</u> |
|--|------------------------------|
| Summary Statement..... | 1 |
| Justification of Proposed Changes in Appropriation Language..... | 4 |
| Crosswalk of 1992 Changes..... | 5 |
| Summary of Requirements..... | 6 |
| Justification of Program and Performance: | |
| New Construction..... | 7 |
| Modernization and Repair of Existing Facilities..... | 15 |
| Financial Analysis - Program Changes..... | 19 |
| Status of Construction and Summary of New Facilities Requirements..... | 20 |
| Status of Congressionally Requested Studies, Reports, and Evaluations..... | 24 |
| Priority Ranking..... | 25 |
| Detail of Permanent Positions by Category..... | 26 |
| Analysis of Change..... | 27 |
| Justification of Adjustments to Base..... | 31 |
| Summary of Requirements by Grade and Object Class..... | 33 |

**Federal Prison System
Buildings and Facilities
Summary Statement**

The Federal Prison System (FPS) is requesting a total of 345 positions, 334 workyears, and \$339,225,000 for Buildings and Facilities for 1993. This request represents a decrease of 15 positions, 7 workyears, and \$112,865,000 from the FY 1992 appropriation.

The major objectives of the Buildings and Facilities Appropriation are to provide offenders with a safe and humane environment which affords an acceptable level of privacy and a complete range of programs and activities for improving offenders' capabilities to achieve crime-free lives, and to protect capital investment in existing facilities.

CAPACITY EXPANSION: The principal theme of the 1993 request is the continuation of the Bureau of Prisons capacity expansion program. For 1993, the Federal Prison System is requesting 23 positions, 15 workyears, and \$172,089,000 to further expand the total capacity of the Federal Prison System by 3,482 beds. This includes 19 positions, 13 workyears, and \$138,638,000 to fully fund one U.S. Penitentiary with a camp in Mississippi and to expand seven existing facilities, thus, providing beds for 1,070 sentenced Federal offenders. Additionally, within this amount, is funding for site acquisition and planning activities for one U.S. Penitentiary with a camp in Arkansas and a medical center which will provide 1,412 beds. Another 4 positions, 2 workyears, and \$15,451,000 is requested to assist the U.S. Marshals Service by beginning site acquisition and planning for two 500-bed Federal Detention Centers in the Middle District of Florida and Sacramento, California. Also included in this request is \$25,000,000 to be used for the renovation of acquired facilities. The Bureau anticipates that the additional funding for the 2,412 partially funded beds will be requested and provided in a future budget.

Current prison overcrowding coupled with projected increases in the Federal inmate population continues to be the major challenge facing the Federal Prison System. Since January 1981, the FPS facilities have experienced a dramatic 172 percent growth from 23,783 inmates to approximately 44,800 inmates as of January 13, 1992, an increase of over 41,000 inmates. This population growth is primarily the result of law enforcement and prosecution efforts against drug trafficking and organized crime. Recent Bureau of Prisons' Office of Research population estimates, which include an increased level of support in the area of pre-trial detention, project that the Federal inmate population will continue to grow to 106,354 by 1996 and could reach 135,288 by 2000.

As of January 1992, Federal prisons are exceeding capacity by a system-wide average of 48 percent with several individual institutions exceeding capacity by more than 100 percent. Prison overcrowding is commonly related to an increased potential for inmate idleness, inmate violence and inmate litigation. It has been judged as a major contributing factor in some of the worst state prison disturbances.

During this period of rapid growth, the Bureau of Prisons has taken every possible action within available resources to reduce institutional overcrowding to manageable proportions to ensure that Federal inmates continue to serve their sentences in a safe and humane environment. These actions include increasing the utilization of contract facilities, expending existing institutions, acquiring surplus properties and constructing new institutions.

It should be noted that the Federal Criminal Justice System has traditionally made extensive use of intermediate sanctions. As of June 1991, approximately 56 percent of the 137,000 Federal offenders were under supervision in the community. The principal alternative to incarceration continues to be probation. The Federal Prison System has also sought to expand alternatives to institutional confinement of prisoners. Since 1982, the community corrections center population has expanded from 948 to approximately 4,000 inmates. This increase has reduced significantly the potential institution based population. In addition, FPS continues to expand the use of electronic monitoring for those offenders who do not present a threat to society.

The Bureau of Prisons has increased capacity over 20,100 beds since 1981. Funding approved and requested through 1992 for the construction of new prisons, the acquisition of surplus facilities for conversion to minimum security camps, and the expansion of existing institutions will add about 34,000 beds when completed.

During January 1991, the Federal Correctional Institution in Three Rivers, Texas was dedicated. In addition, the Bureau entered into an agreement with the United States Public Health Service to acquire the use of a portion of the Gillis W. Long Women's Disease Center in Carville, Louisiana for inmates requiring long-term chronic care. The Bureau dedicated a medium security Federal Correctional Institution in Schuylkill, Pennsylvania in October 1991.

Under construction are two Federal Correctional Complexes at Allenwood, Pennsylvania and Florence, Colorado; three medium security Federal Correctional Institutions with camps (at Little Rock, South Carolina; Manchester, Kentucky; and Cumberland, Maryland) and three Federal Detention Centers (Guantanamo, Puerto Rico; Miami, Florida; and Brooklyn, New York (Interia)).

Further, the Bureau of Prisons either has in design or is considering sites for four additional complexes (Butler, North Carolina, located at the site of the current Federal facility; Bismarck, North Dakota; Columbus, Florida; and Ohio). Two Federal Correctional Institutions with camps (Tulsa, Oklahoma; and Beckley, West Virginia); and five Metropolitan Detention Centers (Brooklyn, New York; Washington, D.C.; Seattle, Washington; Philadelphia, Pennsylvania; and Houston, Texas). All under design is the Federal Transfer Center (FTC) in Oklahoma City, Oklahoma which the Bureau will be leased. Site work is underway at Pekin and Greenville, Illinois (FTC's with camps).

For many years, BOP policy on rated capacity was consistent with the standards of the American Correctional Association for "Occupancy and Space Requirements". However, in recent years the BOP has demonstrated the ability to manage levels of overcrowding previously thought to be very risky. This agency's experience would seem to be that moderate levels of overcrowding can be adequately managed. Certainly, BOP's record must be viewed in the context that the negative effects of overcrowding (such as increased violence, escapes, health problems, etc.) have been obscured by the management actions that have been taken in order to prevent them (such as adding staff in order to improve supervision and staff-inmate communication and interaction as well as developing/expanding programs to keep inmates productively busy).

In 1988, the Bureau made the decision that new medium security facilities would be designed for double occupancy to 50 percent of the rooms, or two thirds of the inmate population. This decision was made within the context of BOP's operational success with "double bunking" and was primarily intended to conserve resources.

In September 1990, a Task Force appointed by the BOP Executive Staff studied the issue of rated capacity and recommended policy changes in the Bureau's method of determining rated capacity for existing institutions so as to be consistent with the changes in the new institution design plans. The most important policy changes in the computation of rated capacity resulting from the Task Force study, which have already been implemented, are as follows:

- (1) 50 percent of existing rooms or cells in medium security institutions with more than 75 square feet will continue to be rated for single occupancy. Rooms with less than 75 square feet will continue to be rated for double occupancy.
- (2) 50 percent of existing rooms or cells in low and minimum security institutions with more than 65 square feet but less than 120 square feet will be rated for double occupancy. Rooms with less than 65 square feet will continue to be rated for single occupancy.
- (3) The rated capacity of existing multiple occupancy space (open dormitory areas not subdivided into rooms or cells) in medium and high security facilities will allow for 20 percent more space per inmate. No change will be made for low and medium security facilities.

The BOP believes that these new changes in rated capacity policy are prudent and realistic when the values of security are balanced with economy and efficiency. Prior to the implementation of these changes, 90 percent of Federal prisoners already shared housing with one or more inmates. The single cells or rooms that remained were made up of housing that was very difficult to double-bunk, such as that for high security, medical or psychiatric care, witness protection, holdover units, etc. In addition, it was not advisable to double bunk detention center beds for security reasons and because the mission is necessarily limited to serving the detention needs of the Federal courts with which it is associated. The BOP's capability to further double bunk is further limited because of the critical need to retain sufficient flexibility to place the Bureau's diverse, increasing inmate population in prison or jail settings that are appropriate and secure.

Because of this change in the rated capacity guidelines, BOP's rated capacity increased by a total of more than 3,500 beds, thereby reducing the overall level of overcrowding by about 12 percent. Of course, the inmate living and program space did not change. Because of the importance of the

policy change on BOP resource requirements, the increased changes in capacity have been incorporated in the 1993 Capacity Expansion Plan. Since rated capacity is the basis upon which BOP's capacity expansion plan and associated budget requests are developed, this revision will have a significant effect on future new construction resources.

It should be noted, if the FY 1994 population projection of 106,354 is accurate and funding for capacity expansion is limited to the 34,015 beds approved and funded through 1992, the Federal Prison population will exceed capacity by 37 percent by 1996. Complete support of the 1993 request will add 3,482 beds to rated capacity, reducing this percentage to 31 percent by 1996. (Note: Of the 3,731 total beds requested, 249 are segregation beds and therefore do not add to rated capacity.)

Modernization and Repair of Existing Facilities. The normal expected useful life of buildings without major repair and renovation is 30 years. More than 50 percent of FPS facilities are over 30 years old. Moreover, prison facilities are subjected to heavier than normal use. The FPS has an ongoing program for the replacement and/or rehabilitation of obsolete structures and plant facilities. Each year several high priority projects are identified by field facilities. In 1993, the Federal Prison System is requesting 41 positions, 41 workyears and \$67,343,000 for modernization and repair of existing facilities. This includes the following:

| | Pos. | Work- Year | Amount (000's) |
|---------------------------|------|---------------|-------------------|
| General Improvements..... | 13 | 13 | \$20,491 |
| Major Renovations..... | 2 | 2 | 12,458 |
| Utility Improvements..... | 13 | 13 | 12,774 |
| Hazardous Waste..... | 8 | 8 | 14,506 |
| Life Safety..... | 4 | 4 | 5,238 |
| Energy Savings..... | 4 | 4 | 2,976 |
| Total..... | 41 | 41 | \$67,343 |

Federal Prison SystemBuildings and FacilitiesJustification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$452,090,000 to remain available until expended, of which \$3,497,000 shall be available for construction and renovation costs of the Immigration and Naturalization Service Processing Center at El Centro, California: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 per centum of the funds appropriated to "buildings and facilities" in this Act or any other Act may be transferred to "salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committee on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That not to exceed \$14,000,000 shall be available to construct areas for inmate work programs.

\$339,225,000

18 U.S.C. 4003, 4009, 4010, 4042, 4123; Department of Justice and Related Agencies Appropriations Act, 1992: additional authorizing legislation to be processed.

Explanation of Changes:

In 1992 the Senate earmarked \$3,497,000 for construction of an IRS detention facility in El Centro, California. This is a non-recurring expense that does not need to be addressed in 1993.

Federal Prison System
Buildings and Facilities
Crosswalk of 1992 Changes
(Dollars in thousands)

| Activity/Program | 1992 President's Budget Request | | | Congressional Appropriation Actions on 1992 Request | | | Reprogrammings | | | 1992 Appropriation Anticipated | | |
|---|------------------------------------|-----|-----------|--|----|---------|----------------|----|--------|--------------------------------------|-----|-----------|
| | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount | Pos. | WY | Amount |
| 1. New Construction..... | 204 | 191 | \$285,169 | 0 | 0 | \$3,497 | 0 | 0 | 0 | 204 | 191 | \$288,666 |
| 2. Modernization and Repair of Existing Facilities..... | 156 | 150 | 126,424 | 0 | 0 | 37,000 | 0 | 0 | 0 | 156 | 150 | 163,424 |
| Total..... | 360 | 341 | 411,593 | 0 | 0 | 40,497 | 0 | 0 | 0 | 360 | 341 | 452,090 |

Congressional Appropriation Actions. The Congress added \$3,497,000 for the expansion of the El Centro Service Processing Center. Congress added \$37,000,000 for the Institution Maintenance budget to the Building and Facilities appropriation instead of Salaries and Expenses appropriation.

Federal Prison System
Buildings and Facilities
Justification of Program and Performance

Activity Resource Summary
(dollars in thousands)

| Activity/Program | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------------------|--------------------|---------------|------------|--------------|---------------|---------------|-------------------|--------------|
| | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount | Perm. Pos. | WT Amount |
| New Construction..... | 204 | 191 \$288,666 | 176 | 176 \$17,407 | 199 | 191 \$189,496 | 23 | 15 \$172,089 |

Long Range Goal:

Provide safe, humane environments for both inmates and staff, which meet the basic human needs for privacy and dignity, which support voluntary programs of self-improvement that prepare inmates for their eventual release into the community, and which minimize the often corrosive effects of institutional confinement.

Expand the capacity of the Federal Prison System to keep pace with projected increases in the Federal inmate population and simultaneously reduce prison overcrowding to an acceptable level.

Major Objectives:

Review FPS capacity requirements.

Locate and acquire suitable, surplus facilities as an alternative to prison construction.

Locate and acquire suitable sites for new construction.

Prepare design programs and concepts for new facilities, including new housing units.

Construct new Federal prisons and detention centers and expand existing Federal prisons as required.

Undertake a leasing program for a new Federal prison.

Base Program Description: The Federal Prison System (FPS) continuously reviews capacity requirements, considering the projected inmate population level, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of present facilities. As Federal inmate population levels are projected to exceed the capacity of the Federal Prison System, every possible action is taken to keep institutional overcrowding at manageable proportions to insure that Federal inmates continue to serve their sentences in a safe and humane environment.

Unfortunately, prison population forecasting is a very inexact discipline and the prediction of future events is no less difficult in the prison setting than in other areas of social phenomena. Future policy and discretionary decisions throughout the Federal criminal justice system will significantly affect inmate population levels. It has been the experience of the FPS that highly accurate long-range population projection methodologies simply do not exist and while it is impossible to predict further population levels with precision, all concerned agree that the number of Federal inmates will continue to increase. It should be emphasized that Federal law enforcement policies in the last decade have had a much more significant impact on the Federal prison population levels than national demographic and crime trends. Since the President and the U.S. Congress clearly support an ambitious program at the Federal level to combat crime, especially illegal drugs, this trend is expected to continue.

The Bureau's population projections were developed by the Office of Research using a time series analysis of trends in court convictions and sentences, and DEA, FBI and U.S. Attorney arrests, particularly for drug offenses. This trend data is then used in conjunction with a microsimulation model of new sentencing guidelines. Also, beginning with the FY 1992 budget, an additional factor has been added to the projections to show the effect the U.S. Marshals Service detainee population would have on FPS's total inmate population.

Most criminal justice agencies have at least some degree of discretion in controlling their workloads, typically through priority systems developed to ensure that the important cases are handled. Prison systems, however, have virtually no discretion and must accept all inmates sentenced to confinement by the courts.

The Bureau of Prisons follows a policy of increasing the system's capacity through:

- the increased utilization of contract facilities including private sector prisons (see the decision unit "Contract Confinement" in the Salaries and Expenses appropriation);
- the expansion of existing facilities;
- the acquisition and conversion of military and other properties to prison use; and
- the construction of new prisons.

From a cost perspective, the expansion of existing institutions is the least expensive technique for increasing FPS's capacity. The FPS is currently building additional housing units at facilities where program space can absorb further population increases. However, where major program areas, such as food service and utilities, are already saturated, expansion may approach the cost of newly constructed facilities.

The FPS continually reviews federal surplus and other property for possible acquisition and conversion to correctional use. The acquisition and conversion of existing property and structures is much less expensive than new construction and such facilities can be brought on-line in a much shorter period of time. While conversion of facilities to minimum security institutions is usually feasible, it generally is not cost-effective to convert most surplus properties to higher security level institutions because appropriate physical security measures must be designed into the facility. Converting existing non-correctional properties to medium and maximum security facilities is frequently more expensive than the design and construction of new institutions.

In spite of the success the Bureau has had in increasing its capacity through contract confinement, the expansion of existing facilities, and the acquisition and conversion of military and other surplus properties, it is still necessary to construct new prisons, especially at higher security levels and for pre-trial detention. To do this, a suitable site must be located and acquired. The site acquisition process includes notification of the public and preparation of an Environmental Impact Statement. The new facility is then designed by contract architects and the project is then bid for construction. Essentially, the FPS oversees construction projects that have been contracted out to private construction firms.

The long range goal established for the Federal Bureau of Prisons, as noted above, is to continue to expand the capacity of the Federal Prison System to keep pace with projected increases in the inmate population and to simultaneously reduce prison overcrowding to a manageable level.

Accomplishments and Workload: As illustrated in the following table the Federal inmate population has exploded. In January 1981, the Federal inmate population was 23,783 and Federal prisons had a surplus capacity of two percent. By January 13, 1992, the Federal inmate population had increased 172 percent to 64,805.

| | 1/1/81 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1/13/92 |
|----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Year-End Population..... | 23,783 | 26,195 | 28,133 | 30,214 | 32,317 | 36,001 | 41,506 | 44,194 | 44,119 | 51,153 | 58,021 | 64,131 | 64,805 |
| Year-End Rated Capacity... | 26,311 | 23,648 | 24,072 | 23,936 | 24,874 | 25,532 | 27,785 | 27,854 | 28,143 | 31,727 | 34,239 | 42,531 | 43,753 |
| Percent Overcrowded..... | (28) | 11% | 17% | 26% | 30% | 41% | 49% | 50% | 57% | 61% | 69% | 51% | 48% |

The dramatic growth in the federal inmate population over the last decade is attributed to increases in both the number of new admissions and the average time served per inmate. In general, earlier in the decade the driving force was the increased rate of admissions. More recently, while the admissions continue to grow, the rate of growth has moderated. However, because of sentencing legislation, the average time served has become a much greater factor in causing BOP population growth.

While the growth in the federal inmate population is placing extreme pressures on the Federal Prison System, it represents convincing evidence of the accomplishments of the nation's federal law enforcement and prosecution efforts, especially in the area of drug enforcement. In 1980, 25 percent of the total inmate population was incarcerated for drug law violations. Today, it is about 57 percent, and BOP projects that it will increase to over two-thirds of the total federal inmate population by 1996.

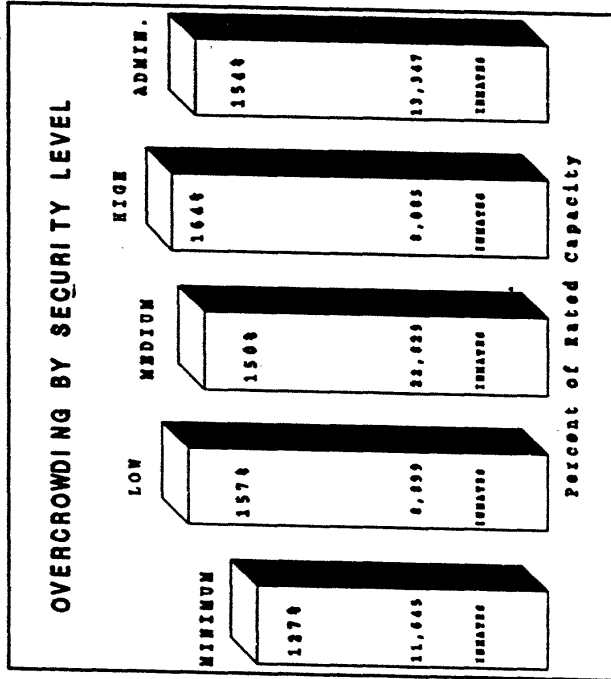
In addition to the sentenced Federal inmates, over the past several years the Bureau of Prisons has steadily increased its assistance to the U.S. Marshals Service in housing unsentenced Federal pre-trial detainees. The Bureau of Prisons now houses about 40 percent of the current detainee population of approximately 19,000.

As noted in the table above, the current Federal inmate population of about 64,800 is being housed in 73 facilities with a rated or design capacity of approximately 43,800. This represents a system-wide average crowding rate of 148 percent of capacity (January 13, 1992). Several facilities have more than twice the number of prisoners than the rated capacity. Most facilities are considered overcrowded, while others are operating close to their rated capacity.

From an operational perspective, a more important factor is the average crowding rates by security level. More crowding can be tolerated in the lower security institutions, whereas high security institutions should not be overcrowded. As illustrated in the graph, the higher security levels continue to experience critical levels of crowding, posing a serious risk to safety and security of those institutions affected. Only the minimum security level facilities are operating at a manageable level.

To keep pace with this tremendous population growth and simultaneously reduce overcrowding, the Federal Prison System is involved in the largest capacity expansion program in its history. To date, approximately 20,100 additional beds have been added to Federal prison capacity since the end of 1981 through additional new construction, acquisitions, or changes in rated capacity policy. During January 1991, the Federal Correctional Institution in Three Rivers, Texas was dedicated. In addition, the Bureau of Prisons entered into an agreement with the United States Public Health Service to acquire the use of a portion of the Ellis U. Long Hansen's Disease Center in Carville, Louisiana for inmates requiring long-term chronic care. The Bureau dedicated a medium security Federal Correctional Institution in Schuylkill, Pennsylvania in October 1991.

Under construction are two Federal Correctional Complexes at Allenwood, Pennsylvania and Florence, Colorado; three medium security Federal Correctional Institutions with camps (Estill, South Carolina; Manchester, Kentucky; and Cumberland, Maryland) and three Federal Detention Centers (Guaynabo, Puerto Rico; Miami, Florida; and Brooklyn, New York (interim)).



Further, the Bureau of Prisons either has in design or is considering sites for four additional complexes (Butner, North Carolina, located at the site of the current Butner facility; Beaumont, Texas; Coleman, Florida; and Ohio); two Federal Correctional Institutions with camps (Taft, California and Beckley, West Virginia); and five Metropolitan Detention Centers (Brooklyn, New York; Washington, D.C.; Seattle, Washington; Philadelphia; Pennsylvania; and Houston, Texas). Also under design is the Federal Transfer Center (FTC) in Oklahoma City, Oklahoma which will be leased. Site work is underway at Pekin and Greenville, Illinois (FCI's with camps).

To further advance the Bureau's construction program, architectural design programs were developed in draft form for Federal Correctional Institutions, U.S. Penitentiaries, Federal Prison Camps, Metropolitan Detention Centers and administrative facilities. These programs are being developed to maintain consistency not only in the design of new institutions, but also in the renovation of existing institutions. In addition, several new construction techniques were initiated which are expected to shorten the construction time for new institutions. These techniques include the use of pre-cast concrete modular cells, the use of Computer-Assisted Drafting for the design of new facilities and the design and construction of Federal Correctional Complexes. In the case of the correctional complexes, several correctional facilities of different security levels (e.g., U.S. Penitentiaries, Federal Correctional Institutions, Federal Prison Camps) would be constructed at one site.

Funding approved and requested through 1992 for the construction of new prisons, the acquisition of surplus facilities for conversion to prison use, and the expansion of existing institutions will add 34,015 beds when completed. It must be emphasized that while all funds previously provided are not formally obligated, commitments to construct at specific locations will require 100 percent obligation of existing resources. The following chart details construction projects currently approved through 1992.

APPROVED/FUNDED CAPACITY REQUIREMENTS

| | 1992 | 1993 | 1994 | 1995 | 1996 | TOTAL |
|--|-------|-------|-------|-------|-------|-------|
| NEW FACILITIES | | | | | | |
| Allenwood, PA Complex (low)..... | 992 | | | | | |
| Guaynabo, Puerto Rico Detention Center..... | 712 | | | | | |
| Allenwood, PA Complex (medium)..... | | 749 | | | | |
| Florence, CO Complex (minimum, medium)..... | | 1,256 | | | | |
| Manchester, KY FCI..... | | 1,170 | | | | |
| Miami, FL Detention Center..... | | 946 | | | | |
| Eastill, SC FCI..... | | 1,024 | | | | |
| Beaumont, TX Complex (minimum, low)..... | | | 1,504 | | | |
| Butner, NC Complex..... | | | 992 | | | |
| Coleman, FL Complex (minimum, low, medium)..... | | | 2,272 | | | |
| Cumberland, MO FCI..... | | | 1,024 | | | |
| Pekin, IL FCI..... | | | 1,024 | | | |
| Greenville, IL FCI..... | | | 1,024 | | | |
| Allenwood, PA Complex (high)..... | | | 512 | | | |
| Florence, CO Complex (high, administrative)..... | | | 996 | | | |
| Oklahoma City, OK Lease (holdover)..... | | | 946 | | | |
| Taft, CA FCI..... | | | 1,024 | | | |
| Beaumont, TX Complex (medium, high)..... | | | | 1,280 | | |
| Beckley, WV FCI..... | | | | 1,024 | | |
| Washington, D.C. Detention Center..... | | | | 946 | | |
| Butner, NC Complex (medical)..... | | | | 700 | | |
| Coleman, FL Complex (high)..... | | | | 512 | | |
| Houston, TX Detention Center..... | | | | 500 | | |
| Philadelphia, PA Detention Center..... | | | | 750 | | |

| | 1992 | 1993 | 1994 | 1995 | 1996 | TOTAL |
|--|-------|-------|--------|-------|-------|--------|
| Ohio Complex (minimum, low, medium, high)..... | | | | | | |
| Seattle, WA Detention Center..... | | | | | 2,784 | |
| Sacramento Complex (minimum, low, medium)..... | | | | | 548 | |
| Brooklyn, NY Detention Center..... | | | | | 1,280 | |
| | | | | | 946 | |
| RECONCILING ITEMS/POLICY CHANGE | | | | | | |
| EXPANSION PROJECTS/ACQUIRED FACILITIES | | | | | | |
| TOTAL APPROVED/FUNDED CAPACITY | 354 | 3,141 | 765 | 260 | 189 | |
| | | | | | | |
| | 2,058 | 8,305 | 12,083 | 5,972 | 5,767 | 34,185 |

"rated capacity" is an important management concept for the Bureau of Prisons because it is an essential element of the basis upon which the Bureau's capacity expansion plan and associated budget requests are developed.

For many years, BOP policy on rated capacity was consistent with the standards of the American Correctional Association (ACA) for "Occupancy and Space Requirements." Briefly stated, these standards required 60 square feet of space per inmate, regardless of the type of space occupied, and the standard required single occupancy in rooms or cells of less than 120 square feet.

In recent years, the Bureau has demonstrated the ability to manage levels of overcrowding previously thought to be very risky. Many institutions have had population levels over 200 percent of capacity, while the entire system at one point in 1990 peaked at 170 percent of capacity. Overall, the experience of this agency would seem to be that moderate levels of overcrowding can be adequately managed.

However, the Bureau's record must be viewed in the context that the negative effects of overcrowding (such as increased violence, escapes, health problems, etc.) have been obscured by the management actions that have been taken in order to prevent them. Many of these actions, such as increasing staff resources, involved budget initiatives which enjoyed the support of DOJ, DHE, and the Congress.

Despite the relative absence of serious problems directly attributable to overcrowding, the Bureau's Executive Staff is convinced that current levels of overcrowding remain a serious risk to safety and security in Bureau institutions. Clearly, there is a practical limit to the Bureau's ability to cope with high inmate population levels while accomplishing all aspects of the mission. However, that level is certainly not the current level of overcrowding, which must be reduced further.

In 1988, the Bureau made the decision that new medium security facilities would be designed for double occupancy of 50 percent of the rooms, or two thirds of the inmate population. This decision was made within the context of the Bureau's operational success with "double bunking" and was primarily intended to conserve resources.

In September 1990, a Task Force appointed by the BOP Executive Staff studied the issue of rated capacity and recommended policy changes in the Bureau's method of determining rated capacity for existing institutions, so as to be consistent with the changes in the new institution design plans. The most important policy changes in the computation of rated capacity resulting from the Task Force study, which have already been implemented, are as follows:

- (1) 50 percent of existing rooms or cells in medium security institutions with 75 or more square feet but less than 120 square feet will be rated for double occupancy. Rooms with less than 75 square feet will continue to be rated for single occupancy.
- (2) 50 percent of existing rooms or cells in low and minimum security institutions with more than 65 square feet but less than 120 square feet will be rated for double occupancy. Rooms with less than 65 square feet will continue to be rated for single occupancy.
- (3) The rated capacity of existing multiple occupancy space (open dormitory areas not subdivided into rooms or cells) in medium and high security facilities will allow for 20 percent more space per inmate. No change will be made for low and medium security facilities.

The BOP believes that these new changes in rated capacity policy are prudent and realistic when the values of security are balanced with economy and efficiency. Prior to the implementation of these changes, 90 percent of federal prisoners already shared housing with one or more inmates. The single cells or rooms that remained were made up of housing that is very difficult to double bunk, such as that for high security, medical or psychiatric care, witness protection, holdover units, etc. In addition, it is not advisable to double bunk detention center beds for security reasons and because the mission is necessarily limited to serving the detention needs of the federal courts with which it is associated. The BOP's capability

The Bureau has updated its population projections to include an increased level of support in the area of pre-trial detention. As a result, the Bureau now projects a federal inmate population of 106,354 by 1996. Additionally, our long-range forecast projects the federal inmate population will continue to grow and reach 133,288 by 2000. Revised year-and population projections are as follows:

| | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 |
|--------|--------|--------|--------|---------|---------|---------|---------|---------|------|
| 71,431 | 77,658 | 87,123 | 98,428 | 106,354 | 112,902 | 122,406 | 128,655 | 135,268 | |

As illustrated in the following table, resources approved through 1992 will have a tremendous impact on the overcrowding rate in the Federal prisons. In 1990, the population is expected to be 106,354. With the activation of the 34,015 beds and current policy changes, the capacity of the Federal Prison System will increase to 77,768 by 1990. This will result in a reduction of the overcrowding rate from our current rate of 48 percent to 37 percent by 1990.

| | 1/1/92 | 1992 | 1994 | 1995 | 1998 |
|-------------------------------|--------|--------|--------|--------|---------|
| Starting Capacity..... | ... | 43,753 | 53,946 | 66,029 | 72,001 |
| Approved/Funded Capacity..... | ... | 2,058 | 12,003 | 5,972 | 5,767 |
| Subtotal Capacity..... | ... | 45,811 | 53,946 | 66,029 | 77,768 |
| Population Projection..... | 64,805 | 71,831 | 87,123 | 98,428 | 106,354 |
| Percent Overcrowded..... | 483 | 578 | 328 | 378 | 378 |

The Bureau of Prisons' new construction base program for 1993 includes 176 positions, 176 workyears, and \$17,407,000 for planning, site acquisition, design and project supervision, of which \$14,000,000 is required to provide work programs through the construction of new factories.

Program Change:

| | 1993 1999 | | 1993 Estimate | | 1993/1999 Difference | |
|-----------------------|-----------|----------|---------------|-----------|----------------------|-----------|
| | Per. | WT | Per. | WT | Per. | WT |
| New Construction..... | 176 | 176 | 176 | 176 | 23 | 15 |
| | | \$17,407 | | \$167,496 | | \$172,089 |

In 1995, FPS is requesting 23 positions, 15 workyears and \$172,009,000. This request will allow the Bureau to expand its sentenced capacity by 2,482, add detention capacity by 1,000, and special housing unit capacity by 249 for a total of 3,731 new beds. In addition, funding for acquired facilities will add a currently undetermined number of new beds. The following table breaks out the new facilities by institution.

| Facilities | Pos. | FTE | Amount 1000's |
|--|------|-----|------------------|
| Sentenced | | | |
| Mississippi Delta USP and Camp (662 beds)..... | 8 | 4 | 979,603 |
| Arkansas Delta USP and Camp (662 beds)..... | 2 | 1 | 8,395 |
| Medical Center (750 beds)..... | 2 | 1 | 17,650 |
| Expansion Projects | | | |
| Ottisville UNITREC Unit (100 beds)..... | 1 | 1 | 12,984 |
| Beattrop Housing Unit (180 beds)..... | 1 | 1 | 5,051 |
| Safford Housing Unit Expansion (120 beds)..... | 1 | 1 | 1,101 |
| Acquired Facilities..... | - | - | 20,000 |
| Total Sentenced (2,482 beds)..... | 15 | 9 | 144,784 |
| Detention | | | |
| Middle District of Florida FCC (500 beds)..... | 2 | 1 | 5,760 |
| Sacramento Detention Center (500 beds)..... | 2 | 1 | 7,691 |
| Total Detention (1,000 beds)..... | 4 | 2 | 13,451 |
| Special Housing | | | |
| Expansion Projects | | | |
| Eastington Segregation Unit (120 beds)..... | 1 | 1 | 7,001 |
| Beattrop Special Housing Unit (64 beds)..... | 1 | 1 | 5,551 |
| Conrad Admin. Detention/Segregation Unit (65 beds)..... | 1 | 1 | 1,721 |
| Safford Admin. Detention/Segregation Unit (24 beds)..... | 1 | 1 | 1,601 |
| Total Special Housing Units (249 beds)..... | 4 | 4 | 13,854 |
| Total FY 1993 New Construction (3,731 beds) | 23 | 15 | 172,089 |

The primary mission of FPs is to carry out the judgments of the Federal Courts for sentenced Federal offenders. To keep pace with the projected growth in the Federal inmate population and reduce overcrowding to manageable levels, an increase of 15 positions, 9 months and \$144,784,000 is requested in 1993 to provide an additional 2,482 beds for sentenced Federal offenders.

As illustrated in the table above this amount provides full funding for a high security facility with a satellite camp to be located in Yazoo City, Mississippi. It also covers site and planning costs for another high security facility with a satellite camp to be located in Forrest City, Arkansas. The Senate Committee on Appropriations, Subcommittee on the Departments of Commerce, Justice and State, and Judiciary and Related Agencies directed the Bureau of Prisons in Senate Report 10-315 dated October 2, 1990, to evaluate carefully and report on the feasibility of helping to alleviate pervasive poverty in the Delta Region by the construction of a Federal prison there. Because construction and operating costs are likely to be lower and there is considerable community and Congressional support, the Bureau of Prisons has determined that it would be prudent to construct Federal prisons at these two locations within the Mississippi Delta Region.

Also included in the request for sentenced offenders is funding for site and planning costs for a medical center with camp which will eventually provide 750 beds (500 medical and 250 camp beds) at a location to be determined in the near future. Currently, all of the Bureau's existing health care capacity, 1,687 beds, is being utilized yielding a current inmate medical bed to inmate population ratio of 27 beds per 1,000 inmates. While a total of 815 medical beds will be added through the recently activated Public Health Service facility at Carville, Louisiana; the long-term care unit at Fort Worth, Texas; and a new medical center at Burner, North Carolina (not scheduled to activate until 1995), the Bureau of Prisons will still have inadequate medical care capacity. Even with these additional facilities, the inmate medical bed to inmate population ratio will fall to 22.9 beds per

1,000 inmates by the end of 1996. This situation is exacerbated by the rising number of older inmates and those with drug related illnesses. With the additional facility requested in 1993, the Bureau of Prisons will maintain its current inmate medical bed to inmate population ratio of 27 beds per 1,000 inmates.

Other new construction for sentenced federal offenders includes funding for three expansion projects which will provide 408 beds. The expansion projects include an Otisville, New York WITSEC Unit, Bastrop, Texas Housing Unit, and Safford, Arizona Housing Unit.

Finally, funding is requested to provide an as yet undetermined number of beds for sentenced federal offenders through the acquisition and conversion of existing facilities, such as military bases and closed college campuses. Rehabilitating acquired facilities is a relatively quick method to add new prison beds.

While its primary mission is the incarceration of sentenced offenders, the Bureau of Prisons continues to assist the U.S. Marshals Service (USMS) in providing detention housing. Over the past several years, the Bureau of Prisons has steadily increased its assistance to the USMS in housing sentenced federal prisoners because of the USMS' inability to renew or renegotiate contracts with State and local jails due to overcrowding. Through joint planning efforts, the Bureau, in conjunction with USMS and the Immigration and Naturalization Service, has developed a comprehensive Federal Detention Plan.

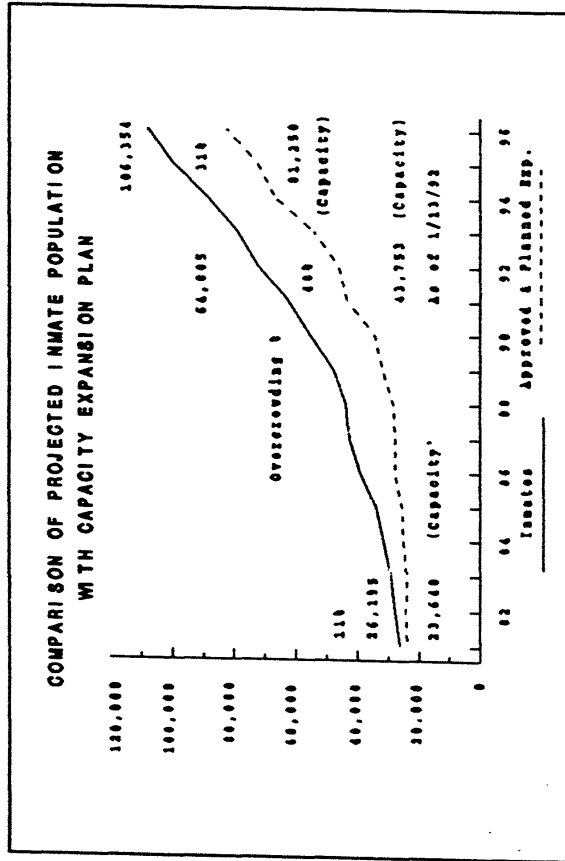
During the past decade, the Federal detainee population has exploded; the average daily detainee population has increased by 350 percent, from approximately 4,000 in 1981 to more than 18,000 in December 1991. However, due to the continual loss of Federal detention bed space in State and local facilities, the average daily detention population in the Bureau of Prisons facilities has increased 760 percent, from 844 in 1980 to 7,266 by the end of December 1991.

The USMS first attempts to meet its detention responsibilities by contracting with local jails through the use of Intergovernmental Agreements (IGAs) and the Cooperative Agreement Program (CAP). Because of the magnitude of the Bureau of Prisons' capacity expansion program currently underway, it is imperative that every effort be made to maintain and expand contracts with local jurisdictions.

The USMS has identified two Federal Court cities where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For these locations, the USMS has requested that the Bureau of Prisons provide detention facilities through the construction of new detention centers and the expansion or establishment of detention units at existing Federal prisons. For 1993, the Bureau is requesting 4 positions, 2 workyears, and \$13,451,000 to cover site acquisition and planning activities for a FCC in the Middle District of Florida and a Federal Detention Center in Sacramento, California which will eventually expand detention capacity by 1,000 beds.

The Bureau of Prisons plans to add 249 special housing beds through four expansion projects and has requested 4 positions, 4 workyears, and \$13,854,000 for this purpose. These beds are needed for detention and segregation purposes. They are not included in the rated capacity figures.

As illustrated in the following graph, the 1993 construction resources described above are critical for the continuation of the Bureau of Prisons' goal to both keep pace with projected population increases and simultaneously reduce the level of overcrowding to about 30 percent by 1996.



| Activity/Program: | 1992 Appropriation | | 1993 Exp. | | 1993 Estimate | | Increase/Decrease | |
|--|--------------------|-----------|-----------|----------|---------------|-----------|-------------------|----------|
| | Per. | Am. | Per. | Am. | Per. | Am. | Per. | Am. |
| Modernization and Repair of Existing Facilities..... | 156 | \$163,424 | 105 | \$82,386 | 143 | \$149,729 | 41 | \$67,343 |

Long Range Goal: To protect capital investment in facilities. To provide safe, efficient, and adequately sized and equipped facilities for the operation of correctional programs within the Federal Prison System Institutions.

Major Objectives:

- Repair and renovate facilities as required.
- Make all facilities energy efficient in accordance with the Department of Energy Life Cycle Costing method.
- Identify and remove any hazardous waste that may exist on Federal Prison System property.
- Comply with all requirements of the Joint Commission on Accreditation of Hospitals.
- Comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities.
- Bring applicable utilities into compliance with National Electrical Code and American Waterworks Standards and ensure safety and security of facilities.
- Modernize antiquated Federal prisons.

Basic Program Description: This program provides the resources to undertake essential rehabilitation, renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, modernization and repair of our existing institutions is essential, particularly since more than 50 percent of our facilities are over 30 years old. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.

Work is identified by two specific categories of projects: major line item requirements (projects valued over \$500,000) for which funds are specifically requested by project; and repair and improvement (RSI) requirements (projects valued at \$4,000 to \$500,000). RSI projects address immediate needs resulting from routine repairs, emergencies, correctional program changes, etc., and are considered the base requirements for this program.

Accomplishments and Workload: Accomplishments of the program Modernization and Repair of Existing Facilities are presented in the following table:

| Item | Estimates | | |
|------------------------------------|-----------|-------|-------------|
| | 1990 | 1991 | 1992 1993 |
| New projects established..... | | | |
| Projects completed and closed..... | 502 | 525 | 550 575 |
| Projects active..... | 210 | 325 | 400 425 |
| | 1,031 | 1,231 | 1,361 1,531 |

It should be emphasized that the normal useful life of buildings without major repair and renovation is 30 years. More than 50 percent of FPS facilities are over 30 years old. Moreover, prison facilities are subjected to heavier than normal use especially during periods of high overcrowding.

Program Changes:

| Activity/Program | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------------------|------------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. Pos. | MI Amount | Perm. Pos. | MI Amount | Perm. Pos. | MI Amount |
| Modernization and Repair..... | 105 | 102 | 146 | 143 | 41 | 41 |
| | | \$42,366 | | \$169,729 | | \$47,343 |

In 1993, FWS is requesting 41 positions, 41 workyears, and \$37,343,000 in six areas to accomplish general improvement projects; to provide major renovations at antiquated facilities; to accomplish utility improvements; to continue life safety and hazardous waste removal projects; and to accomplish energy saving improvements. The following is a brief description of the projects proposed:

1. **General Improvements:** The request includes 13 positions, 13 workyears and \$20,491,000 to maintain investment in plants through an adequate program of major renovations and improvements:

| | Pos. | WT | Amount (\$500's) |
|--|------|----|---------------------|
| Alderson Remonte Housing Units..... | 1 | 1 | 94,061 |
| Chicago Remonte Security System Control Center & Front Lobby..... | 2 | 2 | 3,101 |
| Lompoc (USP) Upgrade Security Replace Windows..... | 1 | 1 | 1,511 |
| Tallahassee Upgrade Security Perimeter Fence & Control Center..... | 1 | 1 | 1,631 |
| Butner Repair Roofs Phase II..... | 1 | 1 | 626 |
| Sefford Construct Second Perimeter Security Fence..... | 1 | 1 | 780 |
| Springfield Install Concealing Wire (Perimeter)..... | 1 | 1 | 976 |
| Petersburg Upgrade Institution Security..... | 1 | 1 | 668 |
| Leavenworth Rehab Institution Wall..... | 1 | 1 | 2,609 |
| Talladega Roof Building..... | 1 | 1 | 524 |
| Marion Rehab Building Exterior..... | 1 | 1 | 1,701 |
| Ray Brook Replace Roofs..... | 1 | 1 | 1,701 |
| Total General Improvements..... | 13 | 13 | 20,491 |

2. **Major Renovations:** The major useful life of buildings without major renovation or repair is 30 years. Resources are requested to continue the renovation of USP Atlanta (89 years old), and FCI Danbury (51 years old). The request includes 2 positions, 2 workyears and \$12,458,000 for renovation of two antiquated facilities:

| | Pos. | WT | Amount (\$500's) |
|--|------|----|---------------------|
| Atlanta Major Renovation: Final Phase..... | 1 | 1 | 7,981 |
| Danbury Major Renovation Phase III: Final..... | 1 | 1 | 4,477 |
| Total Major Renovations..... | 2 | 2 | 12,458 |

3. **Utility Improvements:** Utilities at many institutions are extremely overburdened by inmate population levels exceeding the institutions' rated capacities. Electrical systems and water and sewer utilities are in particular need of upgrade or replacement due to overcrowding levels. The request includes 13 positions, 13 workyears and \$12,774,000 to expand utilities at 11 facilities:

| | Pos. | WT | Amount (\$500's) |
|--|------|----|---------------------|
| Leavenworth Rehab Electrical Phase II..... | 2 | 2 | \$2,095 |
| Leavenworth Rehab Steam Lines..... | 1 | 1 | 775 |
| Terminal Island Rehab Electrical System..... | 1 | 1 | 1,510 |
| Pt. North Upgrade Tunnel Utilities..... | 1 | 1 | 750 |
| Alamogordo Install Air-Conditioning Housing Units..... | 1 | 1 | 302 |
| Alameda Expand Sewage Treatment Plant & Repair Lines, Ph II of II..... | 3 | 3 | 1,375 |
| Springfield Upgrade Electrical System..... | 1 | 1 | 327 |
| Lompoc (FCI) Rehab Electrical System..... | 1 | 1 | 600 |
| Lexington Upgrade Tunnel Utilities..... | 1 | 1 | 3,330 |
| La Jolla Upgrade Tunnel Utilities..... | 1 | 1 | 675 |
| Ray Brook Rehab Sewage Lift Station..... | 1 | 1 | 512 |
| Total Utility Improvements..... | 13 | 13 | 12,774 |

| | | | | |
|----|--|------|----|------------------|
| 4. | Hazardous Waste Removal: Asbestos material has been discovered during routine renovation work at many institutions. Once discovered, all work must be halted until the asbestos can be removed or encapsulated. The request includes 8 positions, 8 workyears and \$14,306,000 to remove hazardous material from eight sites: | | | |
| | | Pos. | WY | Amount (\$000's) |
| | Lompoc (USP) Hazardous Waste: Asbestos Abatement..... | 1 | 1 | \$1,350 |
| | Richner Hazardous Waste: Asbestos Abatement..... | 1 | 1 | 3,250 |
| | Alderson Hazardous Waste: Asbestos Abatement..... | 1 | 1 | 3,251 |
| | Troying Island Hazardous Waste: Asbestos Abatement..... | 1 | 1 | 2,650 |
| | Ashland Hazardous Waste: Asbestos Abatement..... | 1 | 1 | 2,775 |
| | Leffington Hazardous Waste: Asbestos Abatement Phase II..... | 1 | 1 | 3,475 |
| | Petersburg Hazardous Waste: Close Landfill..... | 1 | 1 | 550 |
| | Millen Hazardous Waste: Asbestos Abatement - Power Plant..... | 1 | 1 | 825 |
| | Total Hazardous Waste..... | 8 | 8 | 17,306 |
| 5. | Life Safety Improvements: In order to bring institutions into compliance with the National Fire Protection Association's Life Safety Code, the request includes 4 positions, 4 workyears and \$5,238,000 to fund safety improvements at four institutions: | | | |
| | | Pos. | WY | Amount (\$000's) |
| | Alderson Install Fire Doors..... | 1 | 1 | \$440 |
| | Laneworth Install Fire Sprinkler System..... | 1 | 1 | 2,400 |
| | Springfield Life Safety..... | 1 | 1 | 400 |
| | Terre Haute Install Fire Loop..... | 1 | 1 | 1,378 |
| | Total Life Safety..... | 4 | 4 | 5,238 |
| 6. | Energy Savings: The request includes 1 position, 1 workyear and \$2,076,000 to accomplish energy savings at two facilities: | | | |
| | | Pos. | WY | Amount (\$000's) |
| | Lompoc (USP) Energy: Replace Boiler..... | 0 | 0 | \$1,250 |
| | Ashland Energy: Install HVAC and Upgrade Electrical System..... | 1 | 1 | 826 |
| | Total Energy..... | 1 | 1 | 2,076 |

**Federal Prison System
Buildings and Facilities
Financial Analysis - Program Changes
(Dollars in thousands)**

| Item | New Construction | | | Modernization and Repair of Existing Facilities | | | Total | | |
|--|------------------|--------|-------------------|---|--------|-------------------|-------|---------|-------------------|
| | Pos. | Oblig. | Budget Auth. 1 | Pos. | Oblig. | Budget Auth. 1 | Pos. | Oblig. | Budget Auth. 1 |
| GS-12..... | 4 | 164 | ... | 12 | 496 | ... | 16 | 660 | 0 |
| GS-11..... | 12 | 411 | ... | 29 | 1,033 | ... | 41 | 1,444 | 0 |
| GS-05..... | 7 | 131 | ... | .. | .. | ... | 7 | 131 | 0 |
| Total positions and annual rate | 23 | 706 | ... | 41 | 1,529 | ... | 64 | 2,235 | 0 |
| Lapse (-)..... | (8) | (230) | ... | .. | .. | ... | (8) | (230) | 0 |
| Total workyears and personnel compensation..... | 15 | 476 | 1,953 | 41 | 1,529 | 2,681 | 56 | 2,005 | 4,634 |
| Personnel benefits..... | .. | 165 | 550 | .. | 462 | 814 | .. | 627 | 1,364 |
| Travel and transportation of persons..... | .. | 0 | 0 | .. | 4 | 4 | .. | 4 | 4 |
| Transportation of things..... | .. | 24 | 68 | .. | 32 | 32 | .. | 56 | 100 |
| Rental payment to others..... | .. | 13 | 36 | .. | .. | .. | .. | 0 | 13 |
| Comm, utilities and miscellaneous..... | .. | 13 | 36 | .. | .. | .. | .. | 0 | 13 |
| Printing and reproduction..... | .. | 30 | 67 | .. | 764 | 764 | .. | 0 | 831 |
| Other services..... | .. | 85,795 | 167,768 | .. | 56,365 | 60,524 | .. | 142,160 | 228,292 |
| Supplies and materials..... | .. | 1,097 | 1,211 | .. | 1,860 | 1,860 | .. | 2,957 | 3,071 |
| Equipment..... | .. | 170 | 400 | .. | 664 | 664 | .. | 834 | 1,064 |
| Total workyears and obligations, and budget authority..... | 15 | 87,783 | 172,089 | 41 | 61,680 | 67,343 | 56 | 149,463 | 239,432 |

Budget authority for personnel compensation and benefits are for the life of the project.

Status of Construction and Summary of New Facilities Requirements (Cont'd)
(Dollars in thousands)

| Fund Status | | New Construction | | Total Funding | Total Current Estimate or Actual | Status - December 1991 | | Estimated Activation Date |
|---------------------------------------|----------------|------------------|----------|------------------|---|--|------------------------------|---------------------------------|
| Total Capacity | Fiscal Year | Amount | To Date | | | Start of Program | | |
| New Facilities (Con't) | | | | | | | | |
| Miami DDC (946)..... | 1989 | \$3,320 | \$46,320 | \$46,320 | \$27,161 | Construction Initiated | 9/93 | |
| | 1990 | 83,000 | | | | | | |
| Greenville, IL FCI (1,024)..... | 1990 | 65,500 | 65,500 | 65,500 | 3,778 | Site Work Underway | 1994 | |
| Pekin, IL FCI (1,024)..... | 1990 | 65,500 | 65,500 | 65,500 | 6,955 | Site Work Underway | 1994 | |
| Beckley, WV FCI (1,024)..... | 1990 | 80,000 | 80,000 | 80,000 | 232 | Design Initiated | 1995 | |
| Taft, CA FCI (1,024)..... | 1990 | 74,200 | 74,200 | 74,200 | 359 | A/E Negotiations/EIS | 1994 | |
| Burner Complex (1,692)..... | 1990 | 159,000 | 167,700 | 167,700 | 2,370 | Female (992) - In Design Other (200) - In Design Medical (500) - In Design | 1994 1994 1995 | |
| | 1991 | 8,700 | | | | | | |
| Ohio Complex (2,784)..... | 1990 | 59,500 | 205,000 | 205,000 | 104 | Minimum (512) - Site Search/EIS Low (992) - Site Search/EIS Medium (768) - Site Search/EIS High (512) - Site Search/EIS | 1996 1996 1996 1996 | |
| | 1990 | 115,000 | | | | | | |
| | 1991 | 30,500 | | | | | | |
| Beaumont, TX Complex (2,784)..... | 1990 | 193,000 | 193,000 | 193,000 | 2,020 | Minimum (512) - A/E Procurement Underway Low (992) - A/E Procurement Underway Medium (768) - A/E Procurement Underway High (512) - A/E Procurement Underway | 1994 1994 1994 1995 | |
| | 1990 | 89,900 | 89,900 | 89,900 | 218 | A/E Negotiations | 1995 | |
| Washington, DC Detention Ctr (946)... | 1990 | 63,800 | 63,800 | 63,800 | 41 | Site Investigations | 1996 | |
| Seattle FDC/CCC (568)..... | 1990 | 170,000 | 170,000 | 170,000 | 372 | Minimum (512) - Site Investigations/EIS/A/E Underway Low (992) - Site Investigations/EIS/A/E Underway Medium (768) - Site Investigations/EIS/A/E Underway High (512) - Site Investigations/EIS/A/E Underway | 1994 1994 1994 1995 | |
| Coleman (Orlando) FCC (2,784)..... | 1990 | 10,000 | 10,100 | 10,100 | 10,076 | Lease Program/Design Underway | 1994 | |
| Oklahoma City Detention Ctr (946)... | 1990 | 100 | | | | | | |
| | 1991 | | | | | | | |

Status of Construction and Summary of New Facilities Requirements (Con't) (dollars in thousands)

| Fund Status | | New Construction | | Total Current Cost Estimate (Actual) | Status - December 1991 Oblig. To Date | Status of Program | Estimated Activation Date |
|--|----------------------|-----------------------|---------------|--------------------------------------|---------------------------------------|-----------------------|---------------------------|
| Total Capacity | Fiscal Year | Amount | Total Funding | | | | |
| Total Facilities (Cont) | | | | | | | |
| Houston WDC (500)..... | 1992 | \$54,900 | \$54,900 | \$54,900 | 0 | Site Investigations | 1995 |
| Philadelphia WDC (750)..... | 1992 | 81,950 | 81,950 | 81,950 | 0 | Site Investigations | 1995 |
| Sacramento Complex (1,268)..... | 1992 | 132,000 | 132,000 | 132,000 | 0 | Site Investigations | 1996 |
| Expansion of Existing Facilities | | | | | | | |
| Fort Worth Detention Unit (100)..... | 1988 1990 1991 | 5,000 831 91 | 5,922 | 5,922 | \$5,918 | 90% Complete | 3/92 |
| Tallahassee Detention Unit (150)..... | 1988 1990 1991 | 5,000 5,000 427 | 10,427 | 10,427 | 10,216 | 63% Complete | 8/93 |
| Louisburg Camp Unit (150)..... | 1989 | 5,200 | 5,200 | 5,200 | 5,199 | 75% Complete | 11/92 |
| Burner Satellite Camp (150)..... | 1989 | 5,300 | 5,314 | 5,335 | 5,335 | Complete | 1/92 |
| Fairton Wit Sec (60)..... | 1989 1991 | 6,000 4,258 | 10,258 | 10,258 | 9,976 | 7% Complete | 7/93 |
| Seymour Johnson (300)..... | 1989 1990 | 7,500 3,450 | 10,950 | 10,950 | 10,617 | Complete | 12/91 |
| Lewisburg Seg. Unit..... | 1990 | 9,700 | 9,700 | 9,700 | 0 | In Design | 1996 |
| Atlanta Holdover Unit (150)..... | 1990 | 10,000 | 10,000 | 10,000 | 10,000 | 40% Complete | 8/93 |
| Millen Detention Unit (150)..... | 1990 | 10,800 | 10,800 | 10,800 | 9,650 | 21% Complete | 5/93 |
| Atlanta Detention Unit (150)..... | 1990 | 9,100 | 9,100 | 9,100 | 9,100 | 40% Complete | 8/93 |
| Oakdale II Expansion (336)..... | 1990 | 16,000 | 16,000 | 16,000 | 12,098 | 99% Complete | 1/92 |
| El Paso Camp Expansion (225)..... | 1991 | -6,000 | 6,000 | 1,075 | 1,074 | 50% Complete | 6/92 |
| Ft. Worth Long Term Care Unit (163)..... | 1991 | 10,500 | 10,500 | 10,500 | 763 | Design Phase Complete | 8/93 |

Schedule of Construction and Summary of New Facilities Requirements (Cont'd)
(Dollars in thousands)

| Fund Status | New Construction | | Total | | Status - December 1991 | Estimated Activation Date |
|---|------------------|--------|--------|----------------------------|------------------------|---------------------------|
| | Fiscal Year | Amount | Total | Current Estimate or Actual | | |
| Total Capacity - | | | | | | |
| Expansion of existing facilities: (Cont'd) | | | | | | |
| Big Spring Satellite Camp (150)..... | 1991 | 84,500 | 84,500 | 84,500 | 75% Complete | 7/93 |
| Terre Haute, IN Seg Unit (100)..... | 1991 | 6,100 | 6,100 | 6,100 | In Design | 7/93 |
| Sheridan, CO Det Unit (150)..... | 1991 | 10,800 | 10,800 | 10,800 | In Design | 8/93 |
| Memphis, TN Det Unit (150)..... | 1991 | 9,700 | 9,700 | 9,700 | In Design | 1994 |
| El Reno, OK Housing Unit (240)..... | 1991 | 10,200 | 10,200 | 10,200 | In Design | 1994 |
| Seagoville, TX Det Unit (150)..... | 1991 | 9,800 | 9,800 | 9,800 | In Design | 1994 |
| Bryan, TX Housing Unit (480)..... | 1990 | 5,000 | 18,600 | 19,904 | 85% Complete | 11/92 |
| | 1991 | 13,600 | | | | |
| Tyndall, FL Camp Expansion (75)..... | 1991 | 1,500 | 1,500 | 1,500 | On Hold | |
| Hellis, FL (150) Phase Two..... | 1990 | 1,000 | 1,000 | 1,000 | Phase Two 30% Complete | 9/92 |

Bureau of Prisons
Buildings and Facilities
Status of Commissionally Requested Studies,
Facilities, and Evaluations

In House Report 102-106 dated June 11, 1991, the Committee on Appropriations requested the Bureau of Prisons to provide information on three areas of importance. They are as follows:

1. Construction of New Prisons. - "The Committee requests the Department to provide a report by September 1, 1991, outlining for the next five years, the additional prison space requirements and the number and estimated construction cost of the new prison facilities needed to accommodate these requirements. Also, the report should identify what specific alternative financing proposals the Department has considered to fund these requirements, and which of these alternative financing proposals have merit and are worthy of further consideration."

This report was sent to Representative Neal Smith, Chairman of the Subcommittee on the Departments of Commerce, Justice, State, the Judiciary and Related Agencies in November 1991.

2. Prisons in the Lower Mississippi Delta Region. - "The Committee expects the Department to initiate, as quickly as possible, the development of plans for design of the Forrest City facility, and within available resources, to commence necessary environmental impact studies. The Committee requests that the Bureau of Prisons provide periodic status reports on this issue." This same request is made again in Senate Report 102-106.

The Bureau of Prisons sent a periodic status report to the Department in January 1992.

3. Prison Overcrowding. - "The Committee requests that the Bureau of Prisons provide a report, by February 1, 1991, providing an analysis of why overcrowding in the Southwest and Florida is so much higher than the national average, and a description of the Bureau's selection criteria for determining both where prisoners are to be incarcerated and where prison sites are to be located. In addition, the report should describe the impact of applying the goal of 30 percent overcrowding on a regional as well as national level, and describe what actions the Bureau plans to take to alleviate overcrowding along the Southwest border and Florida."

This report is being completed and will be submitted in February 1992.

Federal Prison System
Buildings and Facilities
Priority Ranking

| Base Program | | Program Increases | |
|--|---------|--|---------|
| Program | Ranking | Program | Ranking |
| New Construction..... | 1 | New Construction..... | 1 |
| Modernization and Repair of Existing Facilities..... | 2 | Modernization and Repair of Existing Facilities..... | 2 |

Federal Prison System
Buildings and Facilities
Detail of Permanent Positions by Category
Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Authorized | 1993 | | |
|--|--------------------|--------------------|------|----------------------|-------|
| | | | Base | Program Increases | Total |
| General Administration Clerical and Office Services (300-399)..... | 35 | 29 | 22 | 5 | 27 |
| Accounting and Budget (500-599)..... | 24 | 22 | 17 | 4 | 21 |
| Engineering and Architecture Group (600-899)..... | 189 | 188 | 135 | 38 | 173 |
| Business and Industry Group (1100-1199)..... | 78 | 71 | 65 | 8 | 73 |
| Ungraded (mechanical and construction)..... | 52 | 50 | 42 | 9 | 51 |
| Total..... | 378 | 360 | 281 | 64 | 345 |
| Washington..... | 37 | 39 | 39 | 0 | 39 |
| U.S. Field..... | 341 | 321 | 242 | 64 | 308 |
| Total..... | 378 | 360 | 281 | 64 | 345 |

Federal Prison System
Buildings and Facilities
Analysis of Change (1992 - 1993)

| Item | Pos. | FTE | \$ (000) |
|--|------|------|-----------|
| 1992 as Enacted..... | 380 | 341 | 452,090 |
| 1993 Adjustments to Base: | | | |
| Adjustments in Permanent Positions and Workyears..... | (5) | (5) | 0 |
| Mandatory Increases: | | | |
| Annualization of 1992 Increases..... | 0 | 18 | 0 |
| 1992 Pay Annualization..... | 0 | 0 | 189 |
| 1993 Pay Raise..... | 0 | 0 | 513 |
| Federal Law Enforcement Pay Reform Act..... | 0 | 0 | 282 |
| General Pay Reform Act Annualization..... | 0 | 0 | 17 |
| Federal Insurance Contribution Act (FICA)..... | 0 | 0 | 1 |
| Health Benefits..... | 0 | 0 | 36 |
| Travel: Mileage..... | 0 | 0 | 2 |
| GPO and Department Printing..... | 0 | 0 | 2 |
| General Pricing Level Adjustments..... | 0 | 0 | 2,479 |
| Total, Mandatory Increases..... | 0 | 16 | 3,521 |
| Decreases: | | | |
| Nonrecurring Activation Costs: | | | |
| One Less Compensable Day..... | 0 | 0 | (76) |
| Positions and workyears associated with closed projects..... | (74) | (74) | 0 |
| Projects funded in 1992..... | 0 | 0 | (355,742) |
| Total, Decreases..... | (74) | (74) | (355,818) |
| Total, Adjustments to base..... | (79) | (63) | (352,297) |
| 1993 Base..... | 281 | 278 | 99,793 |

Analysis of Change (1992 - 1993) (Con't)

| Item | Pos. | FTE | \$(000) |
|--|-----------|-----------|----------------|
| 1993 Program Increases: | | | |
| Sentenced Offender Capacity: | | | |
| Medical Center (750 beds)..... | 2 | 1 | 17,650 |
| Delta Region: | | | |
| Mississippi (682 beds)..... | 8 | 4 | 78,603 |
| Arkansas (682 beds)..... | 2 | 1 | 8,365 |
| Expansion of Existing Facilities (408 beds)..... | 7 | 7 | 32,980 |
| Subtotal, Sentenced Offender Capacity (2,482 beds)..... | 19 | 13 | 138,638 |
| Detention Capacity: | | | |
| Middle District of Florida (500 beds)..... | 2 | 1 | 5,760 |
| Sacramento Detention Center (500 beds)..... | 2 | 1 | 7,691 |
| Subtotal, Detention Capacity (1,000 beds)..... | 4 | 2 | 13,451 |
| Acquired Facilities..... | 0 | 0 | 20,000 |
| Total Capacity Increases (3,482 beds)..... | 23 | 15 | 172,089 |
| Modernization and Repair: | | | |
| General Improvements: | | | |
| Alderson, FPC - Renovate Housing Units..... | 1 | 1 | 4,081 |
| Chicago, MCC - Renovate Security System: Control Center & Front Lobby..... | 2 | 2 | 3,101 |
| Lompoc, USP - Upgrade Security: Replace Windows..... | 1 | 1 | 1,511 |
| Tallahassee, FCI - Upgrade Security: Perimeter Fence & Control Center..... | 1 | 1 | 1,831 |
| Butner, FCI - Repair Roofs Phase II..... | 1 | 1 | 826 |
| Safford, FCI - Construct 2nd Perimeter Security Fence..... | 1 | 1 | 780 |
| Springfield, MCFP - Install Concertina Wire (Perimeter)..... | 1 | 1 | 668 |
| Petersburg, FCI - Upgrade Institution Security..... | 1 | 1 | 978 |
| Leavenworth, USP - Rehab Institution Wall..... | 1 | 1 | 2,809 |
| Talladega, FCI - Reroof Buildings..... | 1 | 1 | 528 |
| Marion, USP - Rehab Building Extensors..... | 1 | 1 | 1,701 |
| Ray Brook, FCI - Replace Roofs..... | 1 | 1 | 1,701 |
| Total General Improvements..... | 13 | 13 | 20,491 |

Analysis of Change (1992 - 1993) (Con't)

| Item | Pos. | FTE | \$'(000) |
|--|-----------|-----------|---------------|
| Major Renovations: | | | |
| Atlanta, USP - Final Phase..... | 1 | 1 | 7,981 |
| Danbury, FCI - Phase III/Final..... | 1 | 1 | 4,477 |
| Total Major Renovations..... | 2 | 2 | 12,458 |
| Utility Improvements: | | | |
| Leavenworth, USP - Rehab Electrical Phase II..... | 2 | 2 | 2,095 |
| Leavenworth, USP - Rehab Steam Lines..... | 1 | 1 | 775 |
| Terminal Island, FCI - Rehab Electrical System..... | 1 | 1 | 1,550 |
| Ft. Worth, FCI - Upgrade Tunnel Utilities..... | 1 | 1 | 750 |
| Miami, MCC - Install Air Conditioning - Housing Units..... | 1 | 1 | 502 |
| Allenwood, FPC - Expand Sewage Treatment Plant & Repair Lines, Ph II of II..... | 3 | 3 | 1,375 |
| Springfield, MCFP - Upgrade Electrical System..... | 1 | 1 | 527 |
| Lompoc, FCI - Rehab Electrical System..... | 1 | 1 | 600 |
| Lexington, FCI - Upgrade Utilities..... | 1 | 1 | 3,350 |
| La Tuna, FCI - Upgrade Tunnel Utilities..... | 1 | 1 | 675 |
| Ray Brook, FCI - Rehab Sewage Lift Station..... | 0 | 0 | 575 |
| Total Utility Improvements..... | 13 | 13 | 12,774 |
| Hazardous Waste: | | | |
| Lompoc, USP - Asbestos Abatement..... | 1 | 1 | 1,350 |
| Rochester, FMC - Asbestos Abatement..... | 1 | 1 | 900 |
| Alderson, FPC - Asbestos Abatement - Roofs..... | 1 | 1 | 3,231 |
| Terminal Island, FCI - Asbestos Abatement..... | 1 | 1 | 950 |
| Ashland, FCI - Asbestos Abatement..... | 1 | 1 | 2,775 |
| Lexington, FCI - Asbestos Abatement Phase II..... | 1 | 1 | 3,675 |
| Petersburg, FCI - Close Landfill..... | 1 | 1 | 550 |
| Milan, FCI - Asbestos Abatement - Power Plant..... | 1 | 1 | 875 |
| Total Hazardous Waste..... | 8 | 8 | 14,306 |

Analysis of Change (1992 - 1993) (Con't)

| Item | Pos. | FTE | \$(000) |
|--|------------|------------|----------------|
| Life Safety: | | | |
| Alderson, FPC - Install Fire Doors..... | 1 | 1 | 660 |
| Leavenworth, USP - Install Fire Sprinkler System..... | 1 | 1 | 2,400 |
| Springfield, MCFP - Life Safety..... | 1 | 1 | 600 |
| Terre Haute, USP - Install Fire Loop..... | 1 | 1 | 1,578 |
| Total Life Safety..... | 4 | 4 | 5,238 |
| Energy Savings: | | | |
| Lompoc, USP - Replace Boiler..... | 0 | 0 | 1,250 |
| Ashland, FCI - Install HVAC & Upgrade Electrical System..... | 1 | 1 | 828 |
| Total Energy Savings..... | 1 | 1 | 2,078 |
| Subtotal, Modernization and Repair..... | 41 | 41 | 67,343 |
| Total, Program Increases..... | 64 | 56 | 239,432 |
| 1993 Estimate..... | 345 | 334 | 339,225 |

**Federal Prison System
Buildings and Facilities
Justification of Adjustments to Base
(Dollars in thousands)**

| | Positions | Work- years | Amount |
|---|-----------|----------------|--------|
| Adjustments in Permanent Positions and Workyears: | | | |
| 1. 1992 Adjustments to Base..... This decrease reflects the required absorption of unfunded costs from the Federal Law Enforcement Pay Reform Act and the General Pay Reform Act. | -5 | -5 | ... |
| Mandatory Increases: | | | |
| 1. 1992 Pay Annualization..... This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$127,000 pay and \$42,000 benefits). | ... | ... | \$109 |
| 2. 1993 Pay Rates..... This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$513,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$343,710 pay and \$169,290 benefits = \$513,000). | ... | ... | 513 |
| 3. Annualization of 7% Additional Positions Approved in 1992..... This provides for the annualization of 7% additional positions approved in the Senate Allowance for 1992 for new construction and modernization and repair of existing facilities. | ... | 16 | ... |
| 4. Federal Law Enforcement Pay Reform Act of 1990..... The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic base, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes only annualization of costs for mandatory items in the Act for the first quarter of the year. The total cost of the Act is \$356,000; of this amount the Bureau of Prisons is absorbing \$74,000 for a net increase of \$282,000. | ... | ... | 282 |
| 5. General Pay Reform Act Annualization..... The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rates and cost-of-living increases and included the 50 percent absorption shown in 1992 for an increase of \$164,000; of this amount we are absorbing \$167,000 for a net increase of \$17,000. | ... | ... | 17 |

| | Estimate | Work- years | Amount |
|---|----------|----------------|----------|
| 6. <u>Health Benefits</u> | ... | ... | 936 |
| The Federal Employees Health Benefits Act (P.L. 95-364) provided that the Government's share of health insurance would be 40 percent of the total rate commencing in 1975. The requested increase of \$36,000 provides funds for actual increased costs from pay period 1 to pay period 2 of 1991 projected for a full year. | | | |
| 7. <u>Federal Insurance Compensation Act</u> | ... | ... | 1 |
| Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$1,000 is computed based on the increase in the base rate. | | | |
| 8. <u>Travel Allowance</u> | ... | ... | 2 |
| The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 25 cents. This increase provides \$2,000 for this change in allowance. | | | |
| 9. <u>Government Printing Office (GPO) and Department Printing</u> | ... | ... | 2 |
| GPO is currently projecting a 4 percent increase over 1992 printing costs of \$42,000. An additional \$2,000 will be required in 1993 for printing done either by GPO or the Department's duplicating facilities. | | | |
| 10. <u>General Pricing Level Adjustments</u> | ... | ... | 2,479 |
| This request applies the pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent adjust these subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimate. The total cost for this increase is \$2,479,000. | | | |
| Total mandatory increases..... | ... | 72 | 5,131 |
| <u>Decreases (Automatic Inflation)</u> | ... | ... | -76 |
| 1. <u>One Less Compressible Day</u> | | | |
| The annual salary rate for Federal employees is based on 260 paid days. 1993 has one less compressible day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$51,000 for pay and \$25,000 for benefits. | | | |
| 2. <u>Pensions and Workers Associated with Closed Projects</u> | -76 | -76 | ... |
| 3. <u>Projects Funded in 1992</u> | ... | ... | -333,732 |
| Total Decreases..... | -76 | -76 | -333,818 |
| TOTAL ADJUSTMENTS TO BASE..... | -76 | -43 | -332,877 |

Federal Prison System
Buildings and facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Grades and salary ranges | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|--------------------------|----------|--------------------------|----------|--------------------------|----------|--------------------------|--------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| GS/GM-14 \$54,607-70,987..... | 2 | | 2 | | 2 | | 0 | 0 |
| GS/GM-13 \$46,210-60,070..... | 28 | | 27 | | 27 | | 0 | 0 |
| GS-12 \$38,861-50,516..... | 62 | | 61 | | 63 | | 2 | |
| GS-11 \$32,423-42,152..... | 156 | | 144 | | 125 | | (19) | |
| GS-10 \$29,511-38,367..... | 4 | | 4 | | 4 | | 0 | |
| GS-09 \$28,798-34,835..... | 26 | | 25 | | 25 | | 0 | |
| GS-08 \$17,686-22,996..... | 36 | | 35 | | 37 | | 2 | |
| GS-04 \$15,808-20,551..... | 3 | | 3 | | 3 | | 0 | |
| Ungraded positions..... | 59 | | 59 | | 59 | | 0 | |
| 1993 pay increase..... | | | | | | \$458 | | \$458 |
| Total appropriated positions..... | 378 | \$14,075 | 360 | \$13,731 | 345 | \$14,374 | (15) | \$643 |
| Pay above stated annual rates..... | 0 | 57 | 0 | 106 | 0 | 55 | 0 | (51) |
| Lapses..... | (170) | (4,987) | (19) | (563) | (11) | (346) | 8 | 217 |
| Savings due to lower pay scales part of year..... | 0 | (237) | 0 | (127) | 0 | (115) | 0 | 12 |
| Net full-time permanent..... | 208 | 8,908 | 341 | 13,147 | 334 | 13,968 | (7) | 821 |
| Other Personnel Compensation..... | 7 | 504 | 5 | 350 | 5 | 370 | 0 | 20 |
| Average GS/GM Salary..... | | 40,862 | | 40,429 | | 41,337 | | |
| Average GS/GM Grade..... | | 10.4 | | 10.4 | | 10.4 | | |
| Average Ungraded Salary..... | | 33,676 | | 35,090 | | 37,275 | | |

Summary of Requirements by Grade and Object Class (Con't)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|-----------------------|-------------|-----------------------|-------------|-----------------------|-------------|-----------------------|---------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| 11 Personnel compensation: | | | | | | | | |
| 11.1 Full-time permanent..... | 230 | \$9,771 | 341 | \$13,147 | 334 | \$13,068 | (7) | \$821 |
| 11.3 Other than full-time permanent..... | .. | 137 | .. | .. | .. | .. | 0 | 0 |
| 11.5 Other personnel compensation..... | 7 | 504 | 5 | 350 | 5 | 370 | 0 | 20 |
| Total..... | 237 | 9,412 | 346 | 13,497 | 339 | 14,338 | (7) | 841 |
| 12 Personnel benefits..... | | | | | | | | |
| 21 Travel and transportation of persons..... | | 2,659 | | 3,024 | | 4,190 | | 1,166 |
| 22 Transportation of things..... | | 909 | | 1,477 | | 1,180 | | (297) |
| 23.2 Rental payments to others..... | | 196 | | 284 | | 180 | | (104) |
| 23.3 Communications, utilities and misc. charges..... | | 37 | | 288 | | 204 | | (84) |
| 24 Printing and reproduction..... | | 4,152 | | 875 | | 1,510 | | 636 |
| 25 Other services..... | | 11 | | 40 | | 920 | | 880 |
| 26 Supplies and materials..... | | 528,286 | | 678,365 | | 786,097 | | 89,732 |
| 31 Equipment..... | | 20,386 | | 17,725 | | 31,520 | | 13,795 |
| 32 Land and Structures..... | | 1,648 | | 1,968 | | 2,132 | | 164 |
| 42 Insurance Claims and Indemnities..... | | 10,749 | | 135 | | 210 | | 75 |
| 43 Interest and Dividends..... | | (1,397) | | .. | | .. | | .. |
| Total direct obligations..... | | 575,068 | | 717,658 | | 824,481 | | 108,823 |
| Unobligated Balance, start-of-year..... | | (1,785,043) | | (1,699,300) | | (1,433,732) | | |
| Unobligated Balance transferred..... | | (115,000) | | .. | | .. | | |
| Unobligated Balance, end-of-year..... | | 1,699,300 | | 1,433,732 | | 948,478 | | |
| Total Requirements..... | | 374,353 | | 452,090 | | 336,225 | | |
| Relation of obligations to outlays: | | | | | | | | |
| Obligations Incurred, net..... | | 575,068 | | 717,658 | | 824,481 | | |
| Obligated balance, start-of-year..... | | 214,546 | | 484,524 | | 927,264 | | |
| Obligated balance, end-of-year..... | | (484,524) | | (827,264) | | (1,296,131) | | |
| Outlays..... | | 305,118 | | 274,918 | | 455,814 | | |

Department of Justice
Federal Prison System
Federal Prison Industries, Incorporated
Estimate for Fiscal Year 1993

Table of Contents

| <u>Item</u> | <u>Page</u> <u>Number</u> |
|--|------------------------------|
| Summary Statement..... | 1 |
| Justification of Proposed Changes to the Appropriation Language..... | 2 |
| Summary of Requirements..... | 3 |
| Justification of Program and Performance..... | 4 |
| Summary of Change..... | 7 |

Federal Prison System
Federal Prison Industries, Incorporated

Summary Statement

Fiscal Year 1993

The Federal Prison System is requesting for Federal Prison Industries, Incorporated, for 1993 a total of 1,651 permanent positions and 1,628 workyears. This request represents an increase of 77 positions and 107 workyears from the 1992 enacted level.

Federal Prison Industries, Incorporated, was created by Congress in 1934 and is a wholly owned Government corporation which operates at no cost to the U.S. taxpayer. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks (18 U.S.C. 4121-4129). The Director of the Federal Prison System who has jurisdiction over all Federal penal and correctional institutions is the CEO. Earnings from the Corporation's industrial activities are used for all operating costs of the Corporation including marketing expenses, to finance growth and modernization, to compensate inmates performing in industrial work details, and to compensate former inmates for injuries they received while in Federal prisons.

Administrative Expenses - A board of six directors, appointed by the President and serving without compensation, reviews and approves the policies of the Corporation, long-range corporate plans, establishment of new industries, and bylaws and capital investments in excess of \$500,000. The Board also makes annual reports to Congress on the conduct of the business of the Corporation and the condition of its funds. General management of the Corporation is vested in a Chief Operating Officer and carried out by a staff of 32 Corporate Management employees located in Washington, D.C. Expense of this function are subject to Congressional limitation.

Industrial Manufacturing Program - An average of 14,549 inmates in 87 factories at 46 locations were employed in 1991. Inmate employment is expected to reach an average of 15,280 by 1993, reflecting the Bureau of Prisons' projected population growth. Inmates manufacture such items as furniture, clothing, electronic cable assemblies, metal and textile products. They also work in services industries such as furniture refinishing, data processing, vehicular component/appliance repair, and laundries. All products and services of the Corporation are sold to Federal agencies. The Department of Defense, the U.S. Postal Service, the Department of Veterans Affairs, and the General Services Administration are the largest customers. In 1993, a program increase of 77 positions and 54 workyears is requested to provide supervision and training for an additional 704 inmate employees anticipated to result from the projected population increase and the objective of employing these inmates in the most efficient and productive manner possible. This will be accomplished through the expansion/modernization of existing factories, and the construction of new factories and warehouses. The requested resources will enable the Corporation to meet its mission of employing inmates by enhancing marketing, product development, production/quality control functions, and complete an automated management control system designed to provide necessary internal controls. Guidelines for new products and product expansion are incorporated into statute to further ensure that the Corporation's expansion does not unduly impact the private sector.

The completion of a Congressionally mandated Market Study in the summer of 1991 outlined growth strategies for FPI. The planned implementation of these strategies is expected to further alleviate FPI's impact on the private sector while providing for the additional inmate employment capacity needed to keep pace with the Bureau of Prisons expected population growth. FPI is aggressively planning for their implementation.

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Proposed Changes to the Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

(18 U.S.C. 4121-4129; Department of Justice Appropriations Act, 1992).

Limitation on Administrative Expenses
Federal Prison Industries, Incorporated

Not to exceed \$3,297,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

(Department of Justice Appropriations Act, 1992).

Explanation of Changes:

No substantive changes proposed.

\$3,644,000

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Requirements
(Dollars in thousands)

| | 1991 Actuals | | | 1992 As Requested | | | 1992 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--|--------------|-------|---------|-------------------|-------|---------|-----------|-------|---------|---------------|-------|---------|-------------------|------|---------|
| | Per. | Pos. | Am. | Per. | Pos. | Am. | Per. | Pos. | Am. | Per. | Pos. | Am. | Per. | Pos. | Am. |
| Advances to base: | | | | | | | | | | | | | | | |
| 1992 as requested..... | 32 | 32 | 81,872 | 32 | 32 | 83,297 | 32 | 32 | 83,297 | 32 | 32 | 83,444 | ... | ... | 147 |
| Mandatory increases..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Decreases..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 1993 base..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| | | | | | | | | | | | | | | | |
| Estimates for budget activity | | | | | | | | | | | | | | | |
| 1. Administrative expenses..... | 32 | 32 | 81,872 | 32 | 32 | 83,297 | 32 | 32 | 83,297 | 32 | 32 | 83,444 | ... | ... | 147 |
| Subtotal, funds subject to Congressional limitation..... | 32 | 32 | 81,872 | 32 | 32 | 83,297 | 32 | 32 | 83,297 | 32 | 32 | 83,444 | ... | ... | 147 |
| 2. Cost of production..... | 1,450 | 1,299 | 275,818 | 1,542 | 1,499 | 331,270 | 1,542 | 1,542 | 334,288 | 1,619 | 1,596 | 341,445 | 77 | 54 | 27,157 |
| 3. Other expenses..... | ... | ... | 29,093 | ... | ... | 34,028 | ... | ... | 34,099 | ... | ... | 37,090 | ... | ... | 181 |
| 4. Buildings and improvements..... | ... | ... | ... | ... | ... | 21,441 | ... | ... | 14,200 | ... | ... | 14,740 | ... | ... | 540 |
| 5. Machinery and equipment..... | ... | ... | 6,339 | ... | ... | 8,550 | ... | ... | 13,950 | ... | ... | 9,350 | ... | ... | (4,600) |
| Total..... | 1,482 | 1,331 | 318,805 | 1,574 | 1,521 | 398,665 | 1,574 | 1,574 | 402,644 | 1,651 | 1,628 | 436,271 | 77 | 54 | 23,627 |
| Other Workyears: | | | | | | | | | | | | | | | |
| Other than full-time permanent | 9 | 9 | ... | 9 | 9 | ... | 9 | 9 | ... | 9 | 9 | ... | ... | ... | ... |
| Holiday/Overtime..... | 13 | 13 | ... | 13 | 13 | ... | 13 | 13 | ... | 13 | 13 | ... | ... | ... | ... |
| Total, Compensable Workyears..... | 1,355 | 1,355 | ... | 1,545 | 1,545 | ... | 1,590 | 1,590 | ... | 1,652 | 1,652 | ... | ... | ... | ... |

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

| Activity: Federal Prison Industries, Inc. | 1992 Estimated | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|---|----------------|--------|-----------|--------|---------------|--------|-------------------|---------|
| | Per. | UF | Per. | UF | Per. | UF | | |
| Administrative expenses..... | 32 | 32 | 32 | 32 | 32 | 32 | ... | ... |
| Industrial Operations: | | | | | | | | |
| Cost of production..... | 1,542 | 1,409 | 1,542 | 1,542 | 1,619 | 1,596 | 77 | 54 |
| Other expenses..... | ... | 35,489 | ... | 34,909 | ... | 37,090 | ... | 181 |
| Buildings and improvements..... | ... | 14,200 | ... | 14,200 | ... | 14,740 | ... | 540 |
| Machinery and equipment..... | ... | 13,950 | ... | 13,950 | ... | 9,350 | ... | (4,600) |
| Total..... | 1,576 | 1,521 | 1,576 | 1,576 | 1,651 | 1,628 | 77 | 34 |

Long Range Goal: Employ inmates; provide inmate opportunities for on-the-job training and apprenticeship programs to develop entry level skills and enable inmates to acquire on-the-job knowledge and proficiency, as well as discipline in the work ethic.

Major Objectives:

- Operate industrial facilities which are labor intensive and cost effective for the optimum employment of inmates.
- Provide productive employment for a minimum of 25 percent of the total prison population at institutions with industry programs.
- Provide on-the-job training to an average 15,200 inmates in all industrial facilities in 1993.
- Sell products and services to other Federal agencies at a level consistent with the goal of remaining financially self-supporting.
- Provide pre-industrial training projects to enhance factory operations and provide increased training opportunities.
- Continue product development and testing centers in conjunction with market research for the feasibility of expanding existing or establishing new product lines.
- Implement a work measurement system.
- Revise established staffing guidelines consistent with revised strategic goals.
- Implement a management control system which is fully automated and conforms with the needs of the Corporation to maintain control of all interdependent divisions and geographic locations.
- Implement recommendations of the Congressionally mandated Market Study.

Basic Program Description: Federal Prison Industries, Inc. has been self-sustaining since its inception when Congress transferred \$3 million in capital assets to the Corporation for start-up costs. Since that time the Corporation has returned \$62 million in profits to the United States Treasury. Revenues are primarily derived from the sale of products and services to other Federal agencies. Operating expenses are applied against these revenues, resulting in operating income or loss. Due to the rapid expansion of the Bureau of Prisons, FPI requested and obtained borrowing authority from the United States Treasury to keep pace with the Bureau's expansion. The borrowed funds are used to increase factory capacity and therefore employ more inmates. As required by Congress, annual audits are completed by the General Accounting Office or delegated to an independent public accounting firm. A report is then submitted to Congress certifying the financial integrity of the Corporation.

Federal Prison Industries addresses the problem of inmate idleness by providing a work program for the Federal inmate population available for work. More than 50 percent of the inmates do not have marketable skills. FPI provides a program of constructive industrial work for the inmates to develop job skills and acquire good work habits.

Institution factories and shops are managed by civilian supervisors who train and oversee the work of inmates. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. The largest customers are the Department of Defense, U.S. Postal Service, Department of Veterans Affairs, and General Services Administration. Institution factories manufacture such items as furniture, clothing, electronic assemblies, metal and canvas products, and provide services such as data processing and furniture refinishing. Prices are usually established in negotiation with customer agencies at not to exceed current market prices for similar items which could be purchased from the private sector. A portion of the income realized by these operations is reinvested to improve facilities, purchase new equipment, maintain state of the art capability, and provide working capital.

To operate modern factories and shops and produce products that must meet Government specifications requires extensive inmate training because most of the inmates have had no previous training, experience, or skills. Much of the needed training occurs on-the-job with civilian supervisors and experienced inmates explaining and demonstrating the work to newly assigned inmates. Where skills require more formal training, classroom instruction is provided. Production Training Units, which combine classroom and on-the-job training, offer an effective method of skill development. Also in operation are registered programs of apprenticeship approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and local unions.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Prison Industries are presented in the following tables:

| Item | 1970 | | 1971 | | Estimates 1972 | |
|--------------------------------|------|---------------|------|---------------|----------------|---------------|
| | | | | | | |
| Average Inmate Employment..... | | 13,581 | | 14,549 | 14,576 | 15,280 |
| Sales..... | | \$360,748,143 | | \$377,297,000 | \$416,577,000 | \$451,177,000 |

Federal Prison Budget
Federal Prison Industries - Incorporated

| | SUMMARY OF CHANGES (dollars in thousands) | | |
|---|--|----------------|----------|
| | Permanent Positions | Work- Force | Amount |
| 1992 as Requested..... | 1,374 | 1,321 | 398,606 |
| Adjustments to Base: | | | |
| Mandatory Increases..... | | | |
| 1992 Pay Annualization..... | ... | ... | 713 |
| 1993 Pay Raise..... | ... | ... | 2,717 |
| Within-grade Increases..... | ... | ... | 296 |
| Annualization of 1992 Positions..... | ... | 53 | 1,512 |
| Special Pay Rates..... | ... | ... | 47 |
| Federal Law Enforcement Pay Reform Act..... | ... | ... | 942 |
| General Pay Reform Act Annualization..... | ... | ... | 233 |
| Federal Insurance Corporation Act (FICA)..... | ... | ... | 11 |
| Health Benefits..... | ... | ... | 241 |
| Unemployment Compensation - Redistribution..... | ... | ... | 7 |
| Postage..... | ... | ... | 9 |
| Employee Data and Payroll Services..... | ... | ... | 12 |
| General Pricing Level Adjustments..... | ... | ... | 16,128 |
| Total Increases..... | ... | 53 | 22,888 |
| Decreases..... | | | |
| One less compensable day..... | ... | ... | (315) |
| Accident Compensation..... | ... | ... | (35) |
| Nonrecurring Capital Expenditures..... | ... | ... | (18,500) |
| Total Decreases..... | ... | ... | (18,850) |
| 1993 Base..... | 1,374 | 1,374 | 402,644 |
| Program Changes: | | | |
| Cost of Production..... | 77 | 54 | 16,546 |
| Buildings and Improvements..... | ... | ... | 540 |
| Machinery and Equipment..... | ... | ... | 6,182 |
| Administrative Expenses..... | ... | ... | 319 |
| Total Program Changes..... | 77 | 54 | 23,587 |
| 1993 Estimate..... | 1,451 | 1,428 | 426,231 |

BUDGET REQUEST

Mr. EARLY. The Committee is pleased to welcome back the Director of the Federal Prison System, Mr. J. Michael Quinlan.

Mr. Quinlan, we will place your written statement into the record and ask that you proceed with your statement in any way that you would like—

GENERAL STATEMENT

Mr. QUINLAN. Thank you, Mr. Chairman, Mr. Regula. With me today is the Assistant Director of the Bureau of Prisons, who handles the Administration Division and the finance and the construction of new institutions, Wade Houk.

Thank you for the opportunity and for the continued support that we have received from the subcommittee, Mr. Chairman.

The Bureau, as you mentioned, has a continuing need for a large budget request. This year the total budget request is \$2.246 billion, and 27,476 positions. This is an increase of about 9 percent, or about \$185 million over the 1992 enacted budget, and 1,634 positions.

The major components of the budget are based on the population increase that the Bureau expects to see over the next several years. The 1993 budget is based on an average population of 74,460 inmates, up from where we are today, which is about 66,300 inmates; and that population is expected to continue to rise, as we see it, through the end of this decade. By 1996 we see the population of the Federal Prison System being at about 106,000 prisoners.

As part of 1993 request, Mr. Chairman, we would propose that \$100 million be appropriated for the activation of 4,640 beds that have been, or are in the process of being, constructed. These are at the facilities in Manchester, Kentucky; Allenwood, Pennsylvania; Florence, Colorado; the Miami detention unit; and the Brooklyn detention unit.

BUILDINGS AND FACILITIES

We also request \$172 million to enable us to start construction on new facilities that would enable us to add 3,482 additional beds when those facilities are completed. The request is actually an overall decrease of about \$113 million in our B&F request from 1992.

What we are doing this year, Mr. Chairman, is spreading the cost of building the facilities over a couple of fiscal years to more realistically receive the money in the time frames that we would need to spend it. The 1993 request would allow us to design and build a penitentiary in Yazoo City, Mississippi, and to start the design and site preparation and other environmental work that would be necessary in preparation for the building of facilities in Forrest City, Arkansas, a medical center in an undesignated location, a detention facility in the Middle District of Florida, and a detention facility in Sacramento, California.

We also included within our new construction funding request of \$172 million, a \$33 million amount to expand existing facilities, and \$20 million which would be used to develop those sites which

we become aware of during the year, such as closed military bases or other potential facilities where we might activate new prison facilities through conversion.

In addition, our Building and Facilities request also includes \$67 million for modernization of existing institution infrastructure. These are needed, Mr. Chairman, for those facilities that were built from 30 to 40 years ago and are in need of either hazardous waste removal or life safety improvements, utility infrastructure improvements, and energy efficiency improvements.

MEDICAL SERVICES

Moving away now from the building and the bricks and mortar, I just wanted to mention a couple of other items briefly. One is the request for \$8 million to enhance our medical services for Federal prisoners. Half of that money would be utilized to provide AZT and other AIDS-related treatment for Federal prisoners, and half of it would be used to help us meet the ever-increasing and rapidly increasing costs of outside consultant medical care.

CONTRACT DETENTION

Another area which is growing in the Federal prison budget request is the area of contract detention, and in fiscal 1993, we are requesting a \$41 million increase. This would fund three major areas: \$22 million of the \$41 million would be used to enable us to activate the new private prison, jointly operated and utilized by INS and the Bureau of Prisons. The site has not yet been selected, but will be selected probably by May 1st for contract confinement. And then \$14 million would be used to expand our capability of housing Federal prisoners in State and local facilities, and \$5 million to expand our utilization of community correction contract facilities.

NATIONAL INSTITUTE OF CORRECTIONS

The final point I would make, Mr. Chairman, before you ask any questions you might have about my remarks, is the request for the National Institute of Corrections. This year a small increase of \$500,000 will allow us to continue to provide some very important technical assistance and training to State and local corrections departments. This is a very important program that we at the Federal level are able to provide to the States, and we would like to enhance and be able to keep pace with the ever-increasing demand that we have for this kind of assistance.

That concludes my opening comments, and I certainly will try to respond to any questions you might have.

[Mr. Quinlan's formal statement follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF THE DIRECTOR, FEDERAL BUREAU OF PRISONS
J. MICHAEL QUINLAN
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss the 1993 budget request for the Federal Bureau of Prisons. Our request totals \$2,246,031,000 and 27,476 positions; an increase of \$184,800,000, (9 percent), and 1,634 positions over our 1992 appropriation. Of the total request, \$1,895,751,000 and 25,000 positions are requested for our Salaries and Expenses appropriation. This budget request will permit the activation of 4,640 new beds at five correctional institutions. In our Buildings and Facilities appropriation, \$339,225,000 and 345 positions are requested, principally to initiate the construction of five additional, critically needed institutions, which will eventually provide 3,482 beds. The 1993 request for the National Institute of Corrections is \$11,055,000 and 53 positions which will enable them to continue providing valuable technical assistance and training to various correctional agencies.

As you are aware, the Federal Bureau of Prisons plays an integral role in the success of the Federal Criminal Justice System. Without sufficient capacity to house pre-trial detainees and

sentenced offenders, law enforcement and prosecution efforts will be fruitless. We appreciate the continued support received in the past from the Congress, Mr. Chairman. In recognizing the impact of criminal legislation on the Bureau and providing necessary funding, Congress has allowed the Bureau to perform its responsibilities, contributing to improved law and order and public safety in America.

Our 1993 budget request highlights two major funding needs: adding critically needed correctional capacity, and providing appropriate living conditions for, and adequate services to, the inmate population in our custody.

Before I discuss the Bureau's budget request in further detail, I want to briefly address a Department initiative which affects the Bureau of Prisons. The General Provisions section of the 1993 Department of Justice budget contains language which would authorize the Attorney General to collect a user fee from inmates in an amount equivalent to the cost of one year of incarceration. The fee may be waived, however, based on indigence or other mitigating circumstances. Please note, this is separate and apart from the court's authority to impose fines as punishment or restitution. I fully support this initiative and believe that taxpayers have the right to expect that they not pay the full bill for incarcerating those inmates who otherwise have the financial resources to offset the cost of their imprisonment.

Providing Additional Capacity

The number of inmates in Federal Bureau of Prisons facilities currently exceeds 65,000. This number is projected to be over 71,000 by the end of FY 1992 and to surpass 77,000 by the end of FY 1993. By the end of 1996, the anticipated activation date of facilities funded in the FY 1993 budget, the population will be over 106,000, a 63 percent increase over the current level.

The growth in the prison population reflects the continued success of Federal law enforcement efforts, particularly those directed at drug offenders. This vigorous activity has substantially increased our new admissions. When this increased volume is coupled with longer sentence lengths, the net effect is a continuing growth in total inmate population.

Over the last few years, our population projections have been quite accurate, usually within 2 percent of the actual population. Further, our current projections may be understated as they do not yet include the full impact of such law enforcement initiatives as Project "Triggerlock", "Weed and Seed", or the recently expanded Federal role in drug and gang activity, since these operations are too new to provide reliable data.

The growth in inmate population has exceeded our ability to simultaneously provide additional capacity. This has required the

Bureau to operate at over 50 percent above rated capacity, with some institutions at over 100 percent above their intended capacity. Thus, for the foreseeable future, our principal requirement is to add capacity to keep pace with the population increases and to reduce overcrowding conditions.

As you know, since 1989, Congress has appropriated substantial resources to add capacity to the Federal Bureau of Prisons. Funding approved by the Congress for new construction, for conversion of surplus facilities and for expansion of existing facilities will add about 34,000 new beds when completed. In FY 1991 and early FY 1992, the Bureau of Prisons activated Federal Correctional Institutions in Three Rivers, Texas and Schuylkill, Pennsylvania, and several other housing units for a net total of approximately 3,500 beds. In 1992, we expect to activate approximately 2,100 beds at Forth Worth and El Paso, Texas; Guaynabo, Puerto Rico; and Allenwood, Pennsylvania. In 1993, the return on these initial investments will be realized on the largest scale yet. We are requesting \$72,540,000 for the activation of approximately 3,200 new beds to house sentenced offenders in the medium security Federal Correctional Institutions at Manchester, Kentucky; Florence, Colorado; and Allenwood, Pennsylvania. The Manchester facility incorporates our latest design features and will provide much needed bed space in our Mid-Atlantic region. The Federal Correctional Institution at Florence represents the initial activation of a Bureau correctional complex in our North Central

Region. The Allenwood facility is the first to utilize existing Bureau land, and it will provide additional capacity in the Northeast.

Despite these activations, we will not be able to keep pace with the growth in 1993 without the use of contract confinement. For 1993, we are requesting an increase of \$4,516,000 to accommodate an average daily population increase of 413 in contract Community Correction Centers. In addition, we are requesting \$36,457,000 for the contract detention of approximately 1,600 inmates requiring secure confinement. A large portion of these inmates will be housed in the 1,000-bed privately constructed and operated joint Immigration and Naturalization Service/Bureau of Prisons detention facility, which will be activated in the southwest United States in FY 1993.

In 1991, the Bureau increased its capacity through bricks and mortar, and by adjusting its rated capacity policy to provide for double bunking of approximately 66 percent of those inmates housed in medium security facilities and as much as 100 percent of the low and minimum security inmates. This policy change increased the Bureau's current rated capacity by over 3,500 beds, thereby reducing our future budget requests by this amount.

So we may continue toward our goal of keeping pace with growth and reducing overcrowding, in 1993, the Bureau is requesting Buildings

and Facilities funding of \$87,998,000 to initiate the development of over 1,300 additional beds at two sites, Yazoo City, Mississippi and Forrest City, Arkansas. This amount will provide for full funding of the former project and initial site development and design costs for the latter. We anticipate requesting the additional construction funds in 1994. The Bureau requests \$19,136,000 to expand sentenced capacity at Otisville, New York; Bastrop, Texas; and Safford, Arizona by 408 beds. Further \$20,000,000 is requested for acquired facilities which will add a currently undetermined number of new beds. Finally, \$13,854,000 is requested to expand special housing (segregation units) at four institutions.

Of the total projected population, the group which is growing the most rapidly is the pre-trial detention population. Because this population is generated by law enforcement efforts, it is a volatile quantity for whom long-term population projections are difficult. Since 1981, the U.S. Marshals Service pre-trial detention population has grown by over 300 percent, while the sentenced population has increased nearly 180 percent. At the same time, the availability of adequate contract pre-trial detention space has become more scarce. Consequently, the U.S. Marshals Service has relied increasingly on the Bureau of Prisons to provide such detention space. In 1991, we activated 776 pre-trial detention beds in seven locations. In five of these situations, bed space originally intended to house sentenced inmates was

converted to provide detention space. In 1992, 762 pre-trial detention beds are expected to be activated or converted, and siting activities have begun for detention facilities funded in Philadelphia, Pennsylvania and Houston, Texas.

In 1993, we are requesting \$28,000,000 for the activation of two very critically needed detention facilities: Brooklyn, New York and Miami, Florida. Together, these facilities will provide approximately 1,450 beds to alleviate crowding in the New York and Southern District of Florida areas, the two most crowded detention settings in the country. In addition, to provide capacity in other U.S. Marshals Service priority areas, initial site development and design funds of \$13,451,000 are requested for detention facilities (approximately 500 beds each) in the Middle District of Florida and the Sacramento, California areas. Funds will be requested in the 1994 budget to complete construction.

Providing for the Inmate Population

As you know, the admission of an inmate into the Bureau of Prisons shifts responsibility to the Federal Government for the full range of care and services which law abiding citizens would normally provide for themselves. As the number of inmates grows, their care and service needs increase. Nowhere is this more evident than in the provision of adequate medical care.

As America is aging, so is the prison population. The average age of inmates is increasing, and their length of sentence is rising dramatically. A majority of these inmates have not engaged in proper health maintenance and are less healthy than others in the same age group. From AIDS treatment to kidney dialysis, from drug addiction to non-existent dental care, these inmates present health care requirements which are resource intensive. Providing just basic, essential medical care is expensive, and medical costs continue to rise.

The Bureau of Prisons is currently exploring options to contain the rise in medical costs. For example, we intend to cap contract medical care payments at the Medicare allowable rates. In addition, we expanded our managed care program in order to assign our resources to the greatest need and in the most efficient manner. Nonetheless, as in 1991, we expect an increase in our medical costs which simply cannot be funded within our medical budget. This prompted a reprogramming in 1991, and we expect the same in 1992. Regrettably, although we have been able to provide necessary medical care, we have had to use funds generated from salary savings.

Our 1993 budget request includes \$4,583,000 for increased outside medical costs and \$4,142,000 to cover the high cost of AIDS treatment recommended by the Centers for Disease Control. Also included is approximately \$18 million for initial site development

and design work for a Federal Medical Center in the Northeast to provide 750 beds. Construction funds will be requested in the FY 1994 budget. This facility will provide an important resource in a region without any Bureau medical-facility, and should contribute to a decrease in outside medical costs for other institutions nearby.

As measured by the composition of our inmate population, the law enforcement focus on drug offenders is working. Currently, 57 percent of our inmate population are incarcerated for a drug-related offense. By 1996, we project that figure will increase to 69 percent. In fact, 52 percent of the population has a history of moderate to severe drug and other substance abuse in the 12 month period prior to their arrest.

In an effort to break the cycle of substance abuse, the Bureau of Prisons has implemented a number of initiatives. We have established a comprehensive drug abuse treatment strategy consisting of five components: drug abuse education, drug abuse counseling services, a comprehensive residential program, a pilot research program, and transitional services. By 1991, the Bureau had education and counseling programs operating at virtually all of its Federal institutions, and 15 residential treatment units including 1,863 treatment slots. With the additional funding of \$11,948,000 and 100 positions provided by Congress in 1992, we expect to expand the residential program by an additional 16

comprehensive units, providing a total of 3,863 comprehensive residential treatment slots. Transitional services will be provided for 750 inmates. We believe that these resources have been effectively allocated and will have a positive effect. Until we have had the opportunity to fully analyze and evaluate the impact of these programs, we do not think substantial additional resources are necessary. Thus, our 1993 request contains only a modest increase of \$129,000 and 3 positions to provide support for our transitional services component.

To continue providing basic inmate service to an increased population, our request includes approximately \$13,500,000 for per capita increases. We project that our average daily population for 1993 will be over 74,000, an increase of 12 percent over current levels. Further, the Bureau requests \$15,222,000 to restore 1991 program reductions in numerous critical programs.

Another major priority of the Bureau of Prisons is maintaining, repairing, and upgrading the condition of our existing institutions. Collectively, these facilities represent a capital investment of approximately \$3 billion. Our modernization and repair request provides funding to protect this investment.

For modernization and repair, we are requesting an increase of \$67,343,000. Approximately 29 percent of this amount is to be

utilized for priority hazardous waste and life safety projects, which are often found in our older institutions built before the issuance of more stringent building code standards. These projects help us maintain and extend the useful life of our existing institutions, thereby, deferring the necessity to fund new replacement facilities.

One of the most important correctional programs in the Bureau of Prisons is Federal Prison Industries. Without a viable industry work program, our institutions would be even more difficult to manage. Further, as indicated in our recently released research study, inmates in industry-related work and vocational training programs have a greater chance of success upon release. Although Federal Prison Industries does not require appropriated funds, our 1993 budget requests an increase of 54 workyears to enhance management improvements and provide for supervision of an anticipated 700 additional inmates at newly activated institutions.

National Institute of Corrections

The National Institute of Corrections (NIC) continues to play a vital role in the national corrections forum. Without the technical assistance and training provided by the National Institute of Corrections, many State and local governments would simply be unable to develop the expertise to operate effectively. The Institute has retained its effectiveness because it is able to

respond directly and promptly to State and local needs. In 1992, Congress authorized NIC to expand its sphere of technical assistance to include foreign governments. In 1993, we are requesting a modest program increase of \$500,000 to enable NIC to continue providing quality services while increasing its ability to respond to additional requests for professional correctional assistance.

Summary

We believe that the Bureau of Prisons' budget request, progress to date, and our long range resource plans will permit us to meet the growing challenges of housing and caring for an increasing inmate population in a secure and humane manner.

I would like to take this opportunity to thank you, Mr. Chairman, and the Members of this Committee for your continuing support. This concludes my prepared statement, and I would be pleased to answer any questions you or your colleagues may have.

LAND ACQUISITION COSTS

Mr. EARLY. In your funding for new construction, how much is for land acquisition?

Mr. QUINLAN. Generally, no money, Mr. Chairman, is used for land acquisition; in 99 percent of the cases the land is donated by the State or locality. There are one or two exceptions.

We paid \$5 million for a parcel of land downtown in Miami. And we are prepared to pay for land in the District of Columbia, but that is not clear yet; we haven't settled on a site.

In most cases, either military base excess land or land that is donated by the local officials to enhance the Bureau of Prisons' interest in coming to a particular geographic area is used.

Mr. EARLY. I really think that shows good judgment.

Mr. QUINLAN. Thank you, sir.

FEDERAL MEDICAL CENTER

Mr. EARLY. In your statement, Mr. Quinlan, on page 8, where you discussed your request of \$18 million for initial site development and design work for a Federal medical center in the northeast, have you identified a site for that?

Mr. QUINLAN. We have not, Mr. Chairman, although we are very interested in having the medical facility near a major metropolitan area.

One of our biggest problems in the Bureau of Prisons in the area of medical care is being able to attract good physicians, physician assistants, nurses and other medical specialists to our staff. We have found that they tend to congregate in—since we need large numbers of them, near major metropolitan areas, we need it in the Northeast. We would like to be near New England, because that seems to be an area that would make a lot of sense demographically from the inmates' location standpoint.

We have looked at some possible military bases that would be suitable for that, and we are hoping to be able to do something within the next few months and locate a site.

Mr. EARLY. I know you have looked at Fort Devens—.

Mr. QUINLAN. Yes, sir.

Mr. EARLY. Someone from your department had a meeting up there, and they spoke of a \$250 million hospital complex.

Mr. QUINLAN. That is right.

HAZARDOUS WASTE REMOVAL

Mr. EARLY. Also on that site is hazardous waste, which goes with any military base.

Mr. QUINLAN. Yes, sir.

Mr. EARLY. It just seems to me to make common sense that your prisoners could be trained to remove the hazardous waste. I don't know why we can't incorporate that type of expense into the Bureau of Prisons.

Mr. QUINLAN. I think you are absolutely right. Other than the need to provide the appropriate training so that we do not unduly risk the health of the inmate workers or the staff who may be assisting them, if they are properly trained and have the proper

equipment, I agree with you. That would be a wonderful utilization of inmate talent and labor.

Mr. EARLY. Your people are incarcerated for a long time. I mean, we should be able to pick out the needed specialists from your prisons that can do this type of thing, and then expand off of it.

Mr. QUINLAN. I think you are right.

Mr. EARLY. I mean, I think we should straighten out Massachusetts first, and then we will look at Ohio and other States. [Laughter.]

Mr. REGULA. I would agree with your priorities, Mr. Chairman.

Mr. ROGERS. Which means he will never get to us.

AVAILABLE NEW ENGLAND HEALTH FACILITIES

Mr. EARLY. I don't know why we should have to build new prison hospitals if you can operate in existing facilities that are closing down, such as Ft. Devens?

Mr. QUINLAN. Well, we have looked at hospitals that are in financial distress and are looking to close. Thus far, we have not found one that was the right size and was located in a part of the community that would enable us to make it a secure prison environment, or that would enhance our ability or allow us to hire the necessary numbers of professional medical support staff to make the prison hospital a reality.

Mr. EARLY. Fort Devens, that is centrally located. That would be much more advantageous than going to Boston, because when you go to Boston, you pay a higher price.

Mr. QUINLAN. That is true. Quite honestly, Congressman, it costs us more to build if we get right downtown; it is more difficult to recruit, and the staff that do work in those areas generally have a much higher expense in terms of trying to live in the area. So it really is to our advantage to be geographically near, but not necessarily within, an urban area.

INCARCERATION FEE PROPOSAL

Mr. EARLY. Mr. Quinlan, I think this Committee has cooperated with you, especially in facilities such as Fort Dix. I mean, it was just a common sense approach, and I hope we can do that as with the military bases closing throughout the country.

Would you briefly describe the new fee proposal contained in the President's budget request?

Mr. QUINLAN. Yes. The new fee proposal, Mr. Chairman, is a proposal that will, if enacted, allow the Attorney General to assess a fee on any prisoner coming into the Prison System for the cost of the first year of confinement, and this fee could be waived, by the rules established, by the Attorney General for those who are indigent or otherwise unable for whatever reason to pay this fee.

Mr. EARLY. You know, it is going to be an easy thing to pass politically. I mean, I don't know who is going to vote against it. But would it allow you to assess assets of the individual being incarcerated?

Mr. QUINLAN. The actual regulations have not been drafted, although we have experience in collecting fees—I shouldn't say fees, collecting fines from Federal prisoners. We have been, through our

inmate financial responsibility program, collecting about \$13 million a year to repay victims, make restitution, pay alimony and other court-ordered judgments.

We tell the prisoner, unless they cooperate at a certain level, if we determine they have certain assets, that they will not get a good job, they will not get preferred housing, they will not, when their sentence is over, get the time in the community that they might otherwise be working toward the end of their sentence. So we see it as a carrot-and-stick approach.

Mr. EARLY. I don't see it as an unfair suggestion that you are going to move them to a tougher institution.

Mr. QUINLAN. That is right. That is exactly right.

Mr. EARLY. On this proposal, who would make the determination that an individual could pay this fee?

Mr. QUINLAN. That has not been determined, Mr. Chairman, although I would think that there would be rules established by the Department of Justice, and that it would be delegated to the warden, subject to an appeal by the inmate to the regional director, or the general counsel of the Bureau of Prisons through our administrative remedy process.

FINES UNDER SENTENCING GUIDELINES

Mr. EARLY. Don't the courts already have the authority to impose a prison-related fine due to the sentencing guidelines?

Mr. QUINLAN. Yes, sir, they do. Since 1984 when Congress enacted that statute, there has been a provision to assess a fine, and it is not limited to the first-year cost of incarceration; it could be for the entire cost of incarceration.

Our experience is, Mr. Chairman, that most judges are not using it, although the Attorney General and I have been trying to increase their knowledge of the statute and our interest in having them assess this fine as part of their sentence.

Mr. EARLY. Why won't they do that as they enforce these sentencing guidelines? I think it would help the situation.

Mr. QUINLAN. Well, I agree with you. I think that one of the problems they may have is that they are not always sure what the assets of the defendant might be, and they are maybe uncertain about assessing a fine, if the assets are not known.

INCARCERATION FEE DEPOSIT OPTIONAL

Mr. EARLY. Certainly, if there were no assets, they would have a little more difficulty collecting it.

What do you propose to do with the fees? I mean, would they go into a revolving fund? Would they be used to reduce some of these building expenses?

Mr. QUINLAN. What we would propose, Mr. Chairman, is that the fees be returned to the general revenue of the Treasury. We feel that it is, in a sense, a conflict of interest for the Bureau of Prisons or the Department of Justice to be receiving moneys from people who are prosecuted by the Department of Justice. So to avoid any benefit being accrued to the Department of Justice, we would—

Mr. EARLY. That seems to be copping a plea to me though, Mr. Quinlan. You know, that is a great theory. I mean, the taxpayers

are entitled to see those fines ~~going~~ back into the prisons; if it goes into a general fund, there won't be any big drive to implement it.

Mr. QUINLAN. Well, we have conflicting interests, I think, that need to be addressed, and I would like to look at that issue further, Mr. Chairman. I don't disagree with you that we need to have some benefit accruing to some program that will then drive the managers of those programs to make sure that the people are collecting these fees, if they are assessed. I am sure we can find the appropriate language and mechanism to make that all possible.

WASHINGTON, D.C. DETENTION CENTER -

Mr. EARLY. What is the status of the proposed metropolitan detention center in Washington, D.C., Mr. Quinlan?

Mr. QUINLAN. Well, we are moving along very slowly. Unfortunately, we have run into a couple of problems in terms of the local political support which has been a little bit uneven, and as a result, it has caused us to look for other potential sites, and has delayed our conclusions on the environmental impact study.

In addition, we have been dealing with the National Capital Planning Commission, which has jurisdiction over these sorts of issues for the National Capital Area. We are hoping in early April to be on the agenda of the National Capital Planning Commission to get some reading as to what their feelings are about our plan; and hopefully, we will be able to start construction on the facility later this year.

Mr. EARLY. In your statement I thought you suggested that you hadn't chosen a site yet.

Mr. QUINLAN. We have four sites that we have identified, one of which will be chosen at the conclusion of the environmental impact study.

Mr. EARLY. Mr. Quinlan, could it be considered a type of urban rehab, where we go into the worst area and just build in that particular area?

Mr. QUINLAN. I am not sure I understand your question. You are suggesting that we actually use prisoners to—

Mr. EARLY. No. I am suggesting that you go into the toughest urban areas as far and use it to provide jobs and related income.

Mr. QUINLAN. These sites, Mr. Chairman, are not—I don't think in anyone's opinion, sites that are going to be developed for shopping or other housing in the foreseeable future.

Mr. EARLY. You did suggest in your statement that the two places for which you need quite a bit of money for land acquisition are Florida and D.C.

Mr. QUINLAN. Well, we are hoping not to have to spend a lot of money in the District, but there are no Federal sites that we can find or no sites in the District on city-owned lands that the District is able to identify that are suitable for the construction of a 1,000-bed metropolitan detention center.

FORT MEADE REJECTED AS PRISON SITE BY COMMUNITY

Mr. ALEXANDER. Mr. Chairman, will you yield?

Mr. EARLY. Sure. Mr. Alexander.

BEST COPY AVAILABLE

Mr. ALEXANDER. Mr. Quinlan, welcome to both of you gentlemen, and I will get my time in a minute, but on the question of the D.C. Facility, I sit on another committee, Military Construction, and we are very much aware that Fort Meade is being deactivated and some 5,000 acres, is it, just right up the road here is available to us within minutes of Washington.

Have you looked at the possibility of Fort Meade?

Mr. QUINLAN. We have looked at every military installation, Mr. Alexander, from Baltimore down to Richmond, and there is nothing where there is support for it. The reuse committee for Fort Meade is totally opposed to the construction of a prison facility.

Mr. ALEXANDER. Well, it is public land.

Mr. QUINLAN. It is, but as you know, Congressman, we try to go, and even though we have eminent domain powers we know that we have a long-term relationship that we want to be able to establish with the community. When there is the kind of opposition that we encountered at Fort Meade, as an example, it is obvious to us that it would entangle us terribly, and we do not see the benefit of trying to go through that kind of a process when the local community is so opposed.

Mr. ALEXANDER. I see. Well, I don't know of any place that needs a larger prison capacity than Washington, DC.

Mr. QUINLAN. One of the points I neglected to mention Congressman, is that one of the issues that we look to when we are building metropolitan detention centers is proximity to the court. That is a factor for the security of the marshals and the safety of everyone involved. So the further we go out into the areas 20, 25 miles away, there are transportation risks, as well as costs that would add to the project.

Mr. ALEXANDER. I see. Thank you.

GAO REPORT ON HALFWAY HOUSES

Mr. EARLY. A recently issued GAO report was critical of your lack of use of available halfway house space. Is it true that in 1990 an average of 25 percent of halfway house beds under contract of BOP were unused?

Mr. QUINLAN. Well, yes and no, Mr. Chairman.

The GAO report said that the Bureau had not utilized space that we could have used. We didn't pay for that space, it was available. And we do have another 1,300 beds that we chose not to use because we did not feel that the prisoners could meet the appropriate security or community safety requirements.

Now, the GAO arguments, I think, are questionable, because they argue that we could have saved X million dollars in construction had we moved people into these 1,300 beds. Well, the fact of the matter is, Mr. Chairman, if we had used the 1,300 beds that were available to us, it would have cost us \$10 million additional contract money, number one.

Number two, it is unlikely that we would have been able to close two prisons if we had used those 1,300 beds, because we would have taken 20 or 25 prisoners from each of the 67 institutions, and the actual overcrowding may have decreased a tad, but it wouldn't have allowed us to save what they claim we could have saved.

It is nice in theory, Mr. Chairman. I don't really believe that there is a practical recommendation found in that particular report, regarding our use of those spaces. Public safety, if nothing else was a factor here. For GAO to suggest that we should put more people in the community, you know, who are serving sentences at the Federal level, without even really getting into the issues of who is or who is not in the community corrections facilities, I think raises some doubts in my mind.

Mr. EARLY. GAO certainly has an awful lot of theory. Speaking for the whole Committee, I would be very upset if standards of prison confinement were not being kept.

Mr. QUINLAN. Thank you, Mr. Chairman.

Mr. EARLY. I am going to yield to Mr. Rogers.

POPULATION PROJECTIONS

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Quinlan, nice to see you again. What is your current population now?

Mr. QUINLAN. 66,300.

Mr. ROGERS. And your budget request for 1993 is based on how many, what population?

Mr. QUINLAN. The average population, it is based on an average for the year of 74,460 prisoners, 74,500.

Mr. ROGERS. Which is about an average of 9,000 increase over the current population, roughly?

Mr. QUINLAN. Yes, sir.

Mr. ROGERS. And how many institutions are you now supervising?

Mr. QUINLAN. There are 67 Federal prison facilities currently in operation.

Mr. ROGERS. Now, when you mentioned the 75,000 anticipated average prisoners in 1993, does that include your contract prisoners?

Mr. QUINLAN. No, sir, it does not. Right now in addition to the 66,300 prisoners in Bureau facilities, we have approximately 8,000 in community corrections centers or out in contract confinement. These would be short-term facilities; 18-month sentences or less generally are served in these facilities.

Mr. ROGERS. What was the growth, if any, of the prison population between 1991 and the current year?

Mr. QUINLAN. The average growth between 1991 and now was about 11 percent, although as a sideline, I would point out that female offenders actually grew at 17 percent and male offenders grew just shy of 11 percent. The reason for that is that the sentencing guidelines are pretty much gender-neutral, and they don't allow the sentencing judge to factor in some of the issues that might have warranted probation or other nonincarcerative sanctions in the past.

1993 ACTIVATIONS

Mr. ROGERS. You are opening up this year, what, four facilities?

Mr. QUINLAN. We hope to open and activate in 1993 five new facilities, including the one in Manchester, Kentucky.

Mr. ROGERS. Yes, and as an aside, let me just commend you and your new warden there at the new facility, who is, by the way, an excellent gentleman.

Mr. QUINLAN. Thank you, sir.

Mr. ROGERS. The community is receiving that facility with open arms.

Mr. QUINLAN. Wonderful.

Mr. ROGERS. We are very proud of it, and the opening appears to be going very smoothly.

Mr. QUINLAN. Well, we very much appreciate your support—it has been tremendous—and the support of the committee.

Mr. ROGERS. Well, thank you very much. Where else are you opening this year?

Mr. QUINLAN. We are activating four other prisons. One is a medium-security prison in Allenwood, Pennsylvania; a minimum/medium-security prison in Florence, Colorado; a metropolitan detention center in Miami, Florida; and a metropolitan detention center in Brooklyn, New York.

OVERCROWDING LEVELS

Mr. ROGERS. Now, in looking at the population report of each of the prisons, why would there be such a discrepancy, a variance, I guess, in the population of each prison based upon its capacity? For example, let me give you the extremes.

The Englewood, Colorado, camp is 183 percent of capacity, and the Butner, North Carolina, camp is 46 percent under capacity. Why would there be such a variance?

Mr. QUINLAN. Primarily, Congressman Rogers, that difference is based on demographics of the inmates, and it is also a function of the design of the facility. The camp facility at Englewood is a makeshift—that is a bad term. It is a grouping of some barracks buildings that we pulled together from Lowry Air Force base, that the General at Lowry gave us. We pulled them together, and we gerry-rigged them, and we made it into a camp.

Now, if we apply the guidelines that the Bureau has for space of how many people you put in X number of square feet, the Englewood camp just doesn't measure up. So it turns out, we theoretically crowd it more than a brand-new constructed facility at Butner, North Carolina, which you know, has the Bureau's standard in mind when it is constructed.

So you have the inmate demographics, and the variances that we find in each of our 67 facilities. Some of the facilities are a hundred years old, some of them are brand-new. And we try to—through the application of standards and the management by the regional director of what they feel they can actually manage within that facility—we try to come up with reasonable guides for each institution, and they do vary.

Mr. ROGERS. I notice the Ashland, Kentucky, camp is 28 percent under capacity. I assume the answer that you earlier gave fits that facility?

Mr. QUINLAN. Yes, it does. It is a new facility that has been open about a year. One other thing that I should mention is that the Bureau is very sensitive about keeping our crowding in our high-

and medium-security institutions at a safe level because that is where most of our potential problems are. The people with the longest sentences, the most violent and dangerous people are kept in the medium- and high-security prisons.

We have a number of low-security institutions that are very crowded also, and we have been looking very closely at our inmate classification system in the past three to four months, and have determined that we are now able to change some of the classification requirements. And our camps in the next, as you will probably note in the next six months or so, our camps are going to become more crowded. And our low-security facilities would become less crowded as a result.

I think these policies are very appropriate, always keeping public safety in mind and not endangering, risking public safety at all. We would be able to move some people down in security. What that enables us to do—as I think you know very well—the lower the security, the fewer the staff we need to supervise, and the less cost there is to the taxpayer of keeping that person in prison.

MOVING SOME PRISONERS TO LOWER SECURITY INSTITUTIONS

Mr. ROGERS. So you are going to try to move some of the Level Two and One out into the camps, and then move—

Mr. QUINLAN. Move some of the Twos, what we call low-security into the minimum-security facilities, the camps, yes, sir.

Mr. ROGERS. And then move some of the Level Fours, perhaps, into the Level Three prisons?

Mr. QUINLAN. Yes, sir, that is right.

Mr. ROGERS. You feel you can do that safely?

Mr. QUINLAN. Absolutely. And believe me, we looked at these issues long and hard; and we studied the discipline records, we studied the assault rates, we studied all of the factors. We don't put people in minimum security with violence or weapons charges, serious weapons charges or things of that nature. And only then would we put them in low security if there has been a substantial period of time that has elapsed since that kind of activity has occurred.

OVERCAPACITY RATING ADJUSTMENT

Mr. ROGERS. Now, where are you in 1992? Are you over capacity in the macro number?

Mr. QUINLAN. We are at 145 percent capacity right now, at the current population figure I mentioned to you.

But I should point out—I meant to mention, Mr. Chairman, during my opening comments, we in the last year have changed our rate capacity and our calculation of rate capacity, and the net effect was an increase of 3,776 beds.

Mr. ROGERS. How did you do that?

Mr. QUINLAN. Well, we changed definitions, basically. What we had always said in the past was that every prison had to be designed to have one person to one cell, or one person in a dormitory environment to, I think, 35 square feet or whatever it was.

We looked at that carefully, and after years of experience in dealing with very crowded facilities, we realized that we were holding on to a concept that time had really overtaken. Through not

only time and experience, but also from financial reality, political reality, we had become sensitive to the fact that this was not necessary to ensure the safety of the inmates or the staff, or the security of the institutions. We could crowd, quote, unquote, "double-bunk" institutions at the low security or the minimum security, or at the medium security, to certain levels, without endangering security or safety of the institution. So we did that. And by doing those changes in the rate capacity definition, we were able to effectively increase our capacity by 3,776 beds, and that had a net effect of decreasing our overcrowding in one day by 13 percent.

Mr. ROGERS. So when you say you are overcrowded now by about 148 percent?

Mr. QUINLAN. About 145.

Mr. ROGERS. That is under your new standards?

Mr. QUINLAN. Yes. If we hadn't changed those standards, I would be here saying our crowding is at 158 percent of capacity.

Mr. ROGERS. And with your new openings, the five new openings that you are bringing on this year, where will you be this time next year, do you think?

Mr. QUINLAN. Well, we know that almost to the day. Our population projections are pretty accurate. Unfortunately, it is not going to be good news a year from now. But in two years, it will be down into the 130s.

Basically, we hope to activate 4,640 beds in 1993. But in the next 12 months, we will actually see a net increase of prisoners of about 8,000, and a net increase of beds—I am guessing in terms of the next 12 months—of about 5,000, and this is not going to keep pace with the inmate growth.

So we are going to see a small pick-up in the crowding in the next 12 months, but after that, every year beyond that, knock on wood, I am going to hopefully be able to tell you that we have seen a decline in the crowding level in Federal prisons.

DRUG INCARCERATIONS

Mr. ROGERS. What percentage of our prisoners now are in for drug convictions?

Mr. QUINLAN. Fifty-seven percent of the inmates in our institutions are serving sentences for drug offenses; and 12 years ago, that was 25 percent. And in four or five more years, it will be 70 percent of the Federal prison population.

Mr. ROGERS. So you see no plateauing of that number?

Mr. QUINLAN. I see no plateauing, based on a couple of things, Congressman Rogers. One is the increased emphasis by the Department of Justice and other law enforcement agencies on ferreting out major drug dealers and things of that nature; and the sentencing guidelines, which include mandatory minimum sentences on a number of these offenses that warrant the offender being given 10 or 15 years with no parole, and only a small amount of good time; 15 percent of the sentence could be reduced with good behavior.

So these people will be—it is not necessarily the level of people or the number of people who are going to be coming in the next five years as it is a function of the length of their stay that is going to continue to drive Federal prison population.

RECIDIVISM RATE

Mr. REGULA. Would you yield? What is your recidivism rate?

Mr. QUINLAN. Congressman Regula, our recidivism rate in the cohorts that were studied in 1982 and 1986 has been running around 45 percent of Federal prisoners will be back in an institution, State or Federal, three years after release from Federal prison.

Now, that compares with a 62 percent rate in the States, on average. And the difference, as I like to say, is not that we do a better job. I don't want to say that; I don't even think it is probably true. What we do is to house people who are older. Our average prisoner is 37; the average State prisoner is 28, and the greatest rehabilitator known to corrections is age.

Growing older does work in terms of rehabilitation.

Mr. ALEXANDER. It slows everybody down.

INTENSIVE CONFINEMENT CENTER

Mr. ROGERS. Quickly, tell us about your boot camp concept over at Lewisburg, Pennsylvania. Is that working out pretty well?

Mr. QUINLAN. I encourage everyone on the committee and the staff to visit the Lewisburg Intensive Confinement Center boot camp. I am absolutely thrilled with the concept and particularly with the enthusiasm of the inmates who have been involved in it. It is a six-month program, followed with intensive—and I mean intensive—follow-up in the community after their release from the program.

We have had 176 men graduate thus far in the five classes that have graduated, and the remarks that we get from the community corrections people who supervise them after they leave the boot camp is almost three times higher in terms of the positive comments than the average Federal inmate. It is just incredible. And it doesn't dissipate the day they walk out, it stays with them. They are very highly energized; they have a new outlook on life.

I personally think that this concept, which the Congress authorized in 1990 or 1991 is a concept that has tremendous potential for future corrections initiatives. I think that short, very disciplined, structured sentences make a lot of sense; and I think this approach allows the prisoner to experience something that many of them have never experienced before. I benefitted when I was in the military going to boot camp. I mean, that helped me get my act together in terms of, you know, knowing how to take orders, follow, be a part of a team and work together.

I think a lot of the people coming into the criminal justice system haven't had that kind of an experience, and it is very beneficial to them, and it really wakens them to the potential for another track in their life that could be more positive and less likely to lead them to new crime.

Mr. ROGERS. You have been doing that, what, a year now?

Mr. QUINLAN. About 14 months.

LIMITATIONS ON EXPANDING BOOT CAMPS

Mr. ROGERS. And under the current law, are you able to expand that to other facilities?

Mr. QUINLAN. We could, Congressman, expand it, but we don't have enough demand yet.

Mr. ROGERS. Demand?

Mr. QUINLAN. There are not enough people coming into our prison system. You see, one of the things that is limiting to us—and I am not suggesting we should change the law, please. We don't necessarily need more people to fill them. But because our population is older, we say that you have to be 35 or younger to get into the program, and you have to have no serious—principally, no prior criminal records, no violence in your record, and your sentence can't go any longer than 30 months left to serve. Those are all very limiting when you look at the Federal population.

So it has potential, and the judges, as we get the word out, and the word through the probation officers and the other people in the Federal criminal justice system, as they get the word on this, I think it is building greater interest. But there just aren't a lot of people coming through the Federal criminal justice system who meet those kind of criteria.

Mr. ROGERS. Well, but couldn't you have a boot camp for the older generation, a less strenuous but equally demanding program?

Mr. QUINLAN. That is a possibility.

Mr. ROGERS. I mean, even the golf system has a seniors league, you know.

Mr. QUINLAN. It is possible. It is—generally, the thinking has been that the people we really want to try to get the attention of are the people who are under 35. But you know, that has potential. We could increase the age and make it less highly rigorous.

Right now the regimen is six days a week, from 5:30 in the morning until 9:30 at night, lights are out, no TV, no radio, no visiting except on Sunday. You march to meals, you recreate in a group, you work eight hours a day—not only do you do all these things that are structured and disciplined, but you also do positive things to enhance your literacy skills. If you have a drug problem or a substance abuse problem, we provide treatment for that.

We also provide a number of courses in life skills, learning how to deal with other people, live in a community and be part of something worthwhile that, hopefully, is going to improve themselves.

Mr. ROGERS. So you are saying that the graduates of this program are much, much better people when they leave?

Mr. QUINLAN. I am not going to say they are much better people. I am going to say that they seem to be more positively focused than when they came. Hopefully, that positive focus will lead them into getting employment, staying drug free, getting a job—that is being redundant, but staying out of the criminal environment that they were in before.

Mr. ROGERS. Well, personally, from this Member, I like the idea, and it sounds like it is working well, and I would like to see it expanded in great numbers. In fact, I would think that every prison ought to have a segment of its population perhaps involved, if not all of it—involved to a degree in this type of training, whether it is less or more strenuous, depending upon the age and the health of participants.

But congratulations on a good year. You continue to uphold my earlier assessment that the Federal Bureau of Prisons, in my judgment, is the best run Federal agency that I am aware of.

Mr. QUINLAN. Thank you very much.

Mr. ALEXANDER. Where is this prison that you are talking about?

Mr. QUINLAN. It is in Lewisburg, Pennsylvania.

Mr. ROGERS. I yield back.

Mr. EARLY. Mr. Alexander?

ST. MICHAEL'S HOSPITAL

Mr. ALEXANDER. Thank you, Mr. Chairman.

Welcome again, gentlemen. You made reference to the age of your population, and as I was coming in, you were talking about hospitalization for inmates.

Mr. QUINLAN. Yes.

Mr. ALEXANDER. Like Kentucky, Arkansas welcomes new industry in no matter what form, and we are recruiting prisons in Arkansas. Texarkana, for example, not in my district, but in the southwest region of the State, already has a prison facility, and is now trying to provide hospitalization for the system.

What is the status of that proposal, and what is the position of the Bureau with reference to it?

Mr. QUINLAN. Well, okay. I think you are referring to the St. Michael's Hospital?

Mr. ALEXANDER. I think so. It is probably the only one in Texarkana.

Mr. QUINLAN. Yes. It is a facility that we have looked at. We have been asked by a couple of people to look at it. We have given it very serious consideration, and primarily for the reasons that I mentioned earlier, it would be very difficult for us to find a suitable number of medical professionals to staff the facility, even though we have had a long-standing relationship with the community in Texarkana.

We have a wonderful facility and staff, with excellent community relations. But it would be a terrible problem for the Federal Bureau of Prisons to have to try to recruit sufficient numbers of doctors, psychiatrists, psychiatric nurses, pathologists and things of that nature in a community of that size.

Mr. ALEXANDER. Well, I was curious—

Mr. QUINLAN. Oh, one other thing, if I could. It is very difficult, because of its location, to make it a secure prison facility.

Mr. ALEXANDER. Well, I appreciate your response, and I will keep abreast of the proposal. As I said, it is not in my district, but it is a small State, and we all pull together on these things; and I do what I can to help them out there. They seem to think it is a pretty good place to go.

Mr. QUINLAN. Oh, I think it is, too.

FORREST CITY, ARKANSAS FACILITY

Mr. ALEXANDER. I don't think they have any difficulty attracting people to live there. The longer I live in Washington, the more I agree with them.

The other thing that I was interested in—specifically interested in was the proposal at Forrest City, Arkansas, which is in my district. I have a couple of questions I would like to ask you about that.

Mr. QUINLAN. Yes, sir.

Mr. ALEXANDER. Your budget proposal includes a request for \$8,395,000, with which to plan for the construction of a 662-bed high-security facility, and satellite camp. I presume that is a boot camp.

Mr. QUINLAN. Well, no, sir. It would be a minimum-security camp.

Mr. ALEXANDER. Minimum security at Forrest City, Arkansas. For members of the Committee, that is just west of Memphis about 30 miles, 35 miles, across the river.

It is also our understanding that the construction of the facilities with other levels of security, Forrest City is being considered, and you already answered that. Could you give me the status of your proposal at this time, together with your estimates of when you might proceed with the site in planning of the facility?

Mr. QUINLAN. Mr. Alexander, I might defer, if I could, to Wade for a response on that.

Mr. ALEXANDER. Sure.

Mr. HOUK. Mr. Alexander, we have already, of course, been in the community in Forrest City and commenced public hearings in our environmental impact process. That process itself takes anywhere from six to twelve months, depending upon the situations that we find.

So, on average, we would hope that that would be done in about nine months; and at that time, if the finding would be positive by the Director that there were no adverse impacts, we then would proceed to the next stage of designing the facility and then moving on to construction.

Mr. ALEXANDER. That is, according to my data here, a \$75,630,000 facility, based on your present plans.

Mr. HOUK. That is approximately correct.

Mr. ALEXANDER. Is that generally correct? I mean, these things change in time, I realize that.

Mr. HOUK. Yes, it is.

Mr. ALEXANDER. I guess you have answered the question. I would have some additional questions to maybe submit for the record, but that pretty well tells me what I need to know.

Of course, I will recommend to the Committee that we approve the request for the \$8 million, in order to accommodate the timetable that has been suggested by the Bureau.

We have talked several times about the facility at Forrest City. I, together with members of your staff, want to make certain that it was an acceptable location, and that the people there wanted it; and I presume that you have taken very deliberate care to examine that question among the population to determine the acceptability of a maximum facility, maximum security facility there. It seems that you got the Chamber of Commerce beating the drums for you; and they want to be the best Federal prison in the United States.

Mr. QUINLAN. That is wonderful.

Mr. ALEXANDER. And it might be that your problems are over, you can just ship all the D.C. people out there and add another wing on to it. Nothing to it.

Mr. QUINLAN. There you go.

Mr. ALEXANDER. Just bring them on.

But it is interesting how people look at prisons differently. When I was growing up in Arkansas, living on a little farm northwest of a small town, about a mile from the county farm—I don't know whether those things exist any more, but it used to be a work camp for minor offenders, and it was a great sport to join the chase. If one of them got loose, we would all get our dogs and join the chase. After it was over with, we would celebrate, and it would be a lot of fun, you know.

But there are different sports in different places, you know. Those bloodhounds would get loose about 2:00 o'clock in the morning.

That is a substitute for fox hunting. We didn't know what fox hunting was in Arkansas. We knew about running down escaped convicts, though.

Mr. QUINLAN. That puts a new dimension on our national volunteer initiative that we are trying to work on in the Bureau.

U.S. INCARCERATION RATE

Mr. ALEXANDER. A philosophical question, if I might. I can't help but ponder this.

You know, our efforts here to expand the prison space by 50 percent—and we pass laws up here that send people to jail and all that sort of thing. I used to be a prosecuting attorney myself for awhile. I hear that the United States has a greater percentage of our population incarcerated than any other industrial nation.

Mr. QUINLAN. Yes.

Mr. ALEXANDER. Have you pondered the applications of that, and do you have any response to why it is that we in the United States have more people in jail than anybody else?

Mr. ROGERS. You don't really want to know that, do you?

Mr. ALEXANDER. Yes, I want to know it; I wouldn't have asked it if I didn't want to know it. I would be interested in the Director's response. I mean, it is a curious phenomenon that it seems to me we should be wondering about and examining that question.

Mr. QUINLAN. Well, I really think I would be taking the Committee's time unduly to kind of philosophize on this because I don't have the answer. I mean, I think that it is because there is more violence, more crime, drug crime in our communities, particularly our inner cities, and that the American people want to see this crime threat reduced, and they are willing to take stringent methods and spend precious dollars to ensure that their safety is somewhat enhanced.

You know, it would be wonderful if we could all sit around and say, we don't have these problems in our communities. I wish for the day that we can all celebrate the closing of Federal prisons.

Mr. ALEXANDER. Well, we won't have that opportunity. But I will buy you lunch sometime, and we will talk about it more.

Mr. QUINLAN. Fine. Thank you.

FAMILY CONTACTS DURING INCARCERATION

Mr. EARLY. Mr. Regula.

Mr. REGULA. Mr. Chairman, I will submit most of my questions for the record. There is just one I would like to ask. You mentioned about recidivism. Do you have any evidence that family contacts during the period of incarceration has any positive effect on rehabilitation? Have you analyzed whether that is an important factor?

Mr. QUINLAN. There is no research that I know of on that question, specifically, Congressman Regula. I can certainly give you my own personal experience from having been a warden of two Federal prisons and from my working with hundreds of inmates during those years, and from anecdotes from other wardens and other staff of the Bureau of Prisons and other correctional agencies, that those kind of contacts are absolutely critical in terms of rehabilitation.

First of all, it is, I think, very difficult to think in terms of rehabilitation for people who are at the level that we are talking about in Federal prison. The average Federal prisoner is serving his fourth felony conviction or has been convicted of his fourth felony conviction. These are people who have been failures in many aspects of life; dropped out of school, couldn't hold a job, terrorized the neighborhoods, all of the kind of things that we fret about, these people have been the cause of.

I think that for those one-third of prisoners who have spouses in Federal prison, and there is another 10 percent or so who probably have a fairly significant other in their life, that when those relationships are maintained during the period of incarceration, their chance for success is much better.

The problem we find, though, is that female offenders, who are growing and now number about 5,000 in the Federal Prison System, do not receive family support in terms of visits, comparable to the males.

Mr. REGULA. That is interesting.

Mr. QUINLAN. The significant other, man, husband, boyfriend, friend, doesn't visit the female prisoner, for the most part, regardless of where she is, and doesn't bring the children. That is a significant problem for female offenders.

We are trying to address it in the long-run with some new ideas on where we place female, Federal female facilities. But what we are trying to do in the prison system is, if I could just add one more comment to this—it is sort of my soap box—if you would allow me. I firmly believe that the only way that we are going to change recidivism rates in the Federal system or in any correctional system is if we get the community involved in helping us reintegrate people back into the community. And that means not just the last day before they are released, but for the last year or so before release. We have volunteers come in and work with and mentor and offer a positive role model to people who are going to be released, and then help them when they get back to the community, not to give them a job or a handout or a place to live, but to give them support, a friendly supporting hand, who will help them, because many of them have no one.

Even their families have deserted them, for the most part, and they have no one who can be a positive role model for them when they get back to the community. And so they fall back into their old ways, and they get back into their old groups, and they say, what is the sense, there is nothing here for me.

So I think that those kinds of support, whether they be family in the traditional sense, in the nuclear family concept, or whether they be an extended family where people take an interest, like the prison fellowship or the community, the prison visitation and support group or the cure group, all of those groups are interested in helping prisoners make that transition back to the community successfully.

And I think that if we can get the community interested in helping us, and that is why I mentioned we have a national program to try to interest people in being volunteers in corrections, I think that that can be a major factor in how we might change our recidivism rates in the future.

INCARCERATION NEAR HOME ADVANTAGEOUS

Mr. ROGERS. Would you yield on that?

Mr. REGULA. Yes.

Mr. ROGERS. Very quickly, in that sense, would it not be wise to try to put prisoners in the prison nearest to their home communities?

Mr. QUINLAN. Absolutely. We do try to do that, although it is sometimes difficult because of crowding, and because of security level concerns. We are always going to have to be concerned first about the appropriate security level. A lot of times even Federal judges will recommend to us, you know, please put, you know, Mr. Defendant in the prison in Manchester, Kentucky. We say, well, thank you very much, judge, but he belongs in a penitentiary. We are going to have to send him to Forest City or someplace.

Mr. ROGERS. But you do have a policy of trying to keep them as close to home as possible?

Mr. QUINLAN. We do have a policy, yes, sir.

HALFWAY HOUSES

Mr. REGULA. As part of that, do you use halfway houses? Is this part of the Federal system?

Mr. QUINLAN. We do. Oh, yes, sir. We have contracts with over 330 privately run, some nonprofit, some for profit, community corrections centers, and we send a high percentage of Federal prisoners before they are released through these contract facilities for, on average, about 90 to 120 days.

Mr. REGULA. And that, you think works reasonably well, I mean, as an alternative of just dumping them on the street?

Mr. QUINLAN. Oh, absolutely. I think it works reasonably well. And we also have now working with the Probation Division, home detention programs and electronic monitoring programs, which are being expanded widely throughout the United States, so that those people who can be in the community and don't need the services of a community corrections center could be put—and it saves the tax-

payers also—in home detention for that last 60 days of their sentence.

Mr. REGULA. Thank you. I will put the rest of my questions in the record.

Mr. EARLY. Ms. Pelosi?

FAMILY VISITS

Ms. PELOSI. Thank you, Mr. Chairman. Mr. Quinlan, I would like to follow up on some of Mr. Regula's questions about family visits.

Mr. QUINLAN. Yes, ma'am.

Ms. PELOSI. What is the policy of the Federal prisons for family visits?

Mr. QUINLAN. The policy is a—I think a very open one. It is highly structured in the sense that it encourages visiting to the maximum extent possible. Visiting generally runs about five days a week for each prison. It varies from prison to prison, depending on their particular location; and in some prisons, it is every day, like in the metropolitan detention centers, probably every day.

Generally, prisoners can almost have unlimited visiting, except in those facilities where the prison visiting room is popular, and then they have to portion it out so that maybe you only get 24 hours a month for visiting or something of that nature.

CONJUGAL VISITS

Ms. PELOSI. Does this include conjugal visits?

Mr. QUINLAN. No. What we have, Congresswoman, is a program of furloughs for those who are within two years of firm release. And during that time, we certainly would permit, if the inmate has community custody, to be able to reacclimate or resocialize with the family during that two-year period through intimate furloughs.

Ms. PELOSI. But there are no conjugal visits for anything up until two years before you are able to be released for furlough?

Mr. QUINLAN. That is correct.

Ms. PELOSI. Have you ever considered changing that?

Mr. QUINLAN. Yes, we have. I will tell you what some of our concerns have been. We have looked closely at a number of States that have instituted conjugal visiting and the Canadian Government, and they have been fraught—depending on who you talk with, they have been fraught with some serious problems. There is the question of equity and what kind of harm, or what kind of threats would come to those who get to participate in the program as from those who don't have a person who they would be able to have a conjugal visit with.

As I mentioned to Congressman Regula, only a third of our prisoners are married; and if you include the 10 percent who have significant others, and that is documented in their file, what you get into, from my own personal experience, is whenever you have a program that has certain criteria, you get people manipulating, and you get people who are going to have mail order marriages, and they are going to have mail order divorces, and they are going to have someone they just met in a magazine coming in to have a conjugal visit.

And then you get the gays who feel that there is an obligation for them, or a right for them to participate on an equal basis. And you know, I wish there was an easy solution. It makes sense to people that we should allow this to eliminate or limit the amount of homosexuality in prisons, but in actuality, through a study that was done by the Bureau of Prisons in the early 1980s, the amount of homosexuality in Federal prisons is very low.

The amount of forcible sexual activity is extremely low, less than 1 percent, reported in anonymous interviews. Ten percent admitted to consensual sexual activity in prison.

Ms. PELOSI. Both of these numbers would be low, though.

Mr. QUINLAN. Very low, very low.

Ms. PELOSI. I understand. But people might not admit to a forcible?

Mr. QUINLAN. But these were anonymous exit surveys when they were released from prison.

Ms. PELOSI. Anonymous. I didn't realize that.

Mr. QUINLAN. Yes.

Ms. PELOSI. Looking at it from the standpoint of a family of someone who might be there, which is the perspective that I have, dealing with the families in my constituency, our office, Mr. Chairman, did some research on this and some of the items that you mentioned, other States, States that have conjugal visits and other, and Canada, et cetera, and to see what effect this has on the recidivism that was brought up by Mr. Regula.

From the standpoint of the families, I understand you are talking about how—the problems this could create; but we are looking at it from the standpoint of what advantages it could create for the families involved. I think it is worthy of a look.

Mr. QUINLAN. I do, too.

KEEPING FAMILIES OF PRISONERS INTACT

Ms. PELOSI. But, of course, you are in charge, and your opinion would be very important as far as this is concerned.

I have been talking to Mr. Hughes, who is Chair of the authorizing subcommittee about this issue, and told him, hopefully, that we can have an expanded conversation on this subject to see if there is a niche, a place where you could write some kind of regulation that would serve to reduce recidivism and also keep families intact in the course of a prison sentence.

Mr. QUINLAN. I think that that is a good idea. I would like to make just one other statement, if I could, in response. My own concept is that those kind of programs are viable for people who are showing in prison a tremendous effort to try to improve themselves. If we are able to segment our population at some point into what we talked about this concept of program institutions, where during a period of time people have earned their way into these kind of facilities through demonstrated periods of self-improvement efforts, and that way we would give them concentrated efforts of, through immersion in different kinds of training and other kinds of educational and psychological and structured, group support and community involvement and family involvement, that if we had those kind of structures, if that was all built as part of it, then I

think that that would be the perfect environment for it. But to make it, just to bring it down to its base level, just here's a chance to be with your family for 12 hours or something like that, I think it would be very difficult to manage.

But you are right, it shouldn't be governed by the fact that it is difficult to manage. We can work it out. I would hope that we could look at it in a broader perspective as somewhat of a whole different philosophy about how we think in these terms. If we had legislation, if the legislation could be very restrictive, and limited to people who have, when they came to prison, a relationship, and it is sanctioned by law, is recognized, then we don't have to become the middleman for all of these horrendous situations that you can envision.

RECIDIVISM VS. REHABILITATION

Ms. PELOSI. Maybe there would be an opportunity for some kind of pilot program, as you say, based on a reward system that is comprehensive rather than just a—we have just changed the regulations to this instead of something else.

From the standpoint of the families, which are the people we deal with, it is something that I think, hopefully, would get a look and decide one way or another, but not dismissed out-of-hand.

On the question of recidivism, I think you might be aware a few years ago there was some talk about the fact that we have so many people in our prison system, but some people have decided that in a lifetime, they are going to have to spend x number of years in jail, and maybe two or three stints, but they have chosen that path in life. And it isn't necessarily recidivism. They didn't go back to any behavior; they never left it. They did their time, they went out, they made a living the way they make a living, realizing that they could get caught; but in a lifetime, if you spend 17 years in jail and you make x amount of money, then that is what they have chosen as their career.

Mr. QUINLAN. Sort of a right-of-passage to adulthood.

Ms. PELOSI. It is a very sad statement, but nonetheless. Do you see evidence of that, where it is not recidivism, because they have never really been rehabilitated; they have just put in their time?

Mr. QUINLAN. I see it all the time. And I don't have the statistics to back me up here, but I am telling you from my anecdotal experience, most of the people that we see coming into Federal prisons and in prisons throughout the nation, State and local, are people who are coming from broken homes, no one at home who really cares about them because of either substance abuse in the family or some other serious abuse, and just nothing there going for them, no likelihood of a positive figure in their life influencing them to stay out of that particular criminal behavior.

It is really sad to see, because they just have so little going for them when they come to prison. And then, of course, the prison is expected to quote, "rehabilitate them," and that may be asking a tremendous amount of prison administrators.

What I would like to say is, yes, we have an obligation to provide tremendous programs to give people opportunities to improve themselves, and to hopefully encourage volunteers to get involved

to assist them by providing these mainstream social values on a regular basis. But the key element, and no one should forget it, is that the person, the prisoner has and will always have, no matter what you do for them, free choice, and they will make the choices based on their own background, experience, motivation, philosophy, spiritual and other background.

And what we have found as another way of phrasing, I think, what you were saying is that prison has become just another place to live.

Ms. PELOSI. You get health benefits there. It is one of the few Federal health programs that we have. I am not kidding.

Mr. QUINLAN. I know.

DRUG ABUSE AND TREATMENT

Ms. PELOSI. Following up on that, you talked about, my colleagues have asked about drug offenders, the number of drug offenders, et cetera. Is there drug abuse in the prisons?

Mr. QUINLAN. There is some drug abuse, although it is extremely limited. We did 81,000 urinalysis tests in Federal prisons last year. Of those tests, .9 percent, less than 1 percent, were positive for drugs. I am sorry, I gave you the wrong figure. Last year was 1.7 percent that were positive for drugs. When I said .9, I was giving you the HIV positive statistic.

The Bureau has done a lot to try to make sure that drugs don't come into prison through making sure that prisoners are searched after visits and doing random tests. We particularly watch closely those prisoners who are what we consider suspects or suspicious, because they have been involved in these kind of behaviors in the past.

But from a treatment standpoint, even though prisoners are not using drugs, and for the most part they are not, the person who is—and 52 percent of our population, we believe, through our psychological and other tests, has a moderate to serious substance abuse problem—even though they have no drugs while they were in prison, even if they have a ten-year sentence, when they leave, they will still be classified, and they will still have an addiction to drugs or alcohol. You don't lose it, you don't grow out of it. It is always with you.

Ms. PELOSI. Well, you can resist it.

Mr. QUINLAN. You can resist it. That is what we hope through training and drug programs to do—to teach you how to resist it, and to teach you how to not relapse into your old groups and habits.

We have now, through the help of this committee and the Congress, created intensive and comprehensive drug treatment programs in 31—actually 15 are currently operational, but by the end of the fiscal year, 31 Federal prisons out of 67 facilities will have residential drug treatment substance abuse programs within the prison.

Ms. PELOSI. What does that involve?

Mr. QUINLAN. It involves, depending on the prison you are located in, either 500 hours of residential treatment time—

Ms. PELOSI. Treatment being?

Mr. QUINLAN. Treatment being either individual treatment with a psychologist, or one of the trained drug treatment therapists, or group treatment among the people involved in the program, followed with, and this is key, absolutely, fundamentally different from every other drug program that we ever ran in prisons up until about three years ago, and that is that it is tied directly with community-based drug treatment, after care, so that you reinforce what you learned in prison immediately after the conclusion of the program.

So we offer it primarily for people during their last 18 months of their Federal sentence. With the support of the Congress, we have been able to provide six months of drug after-care programming after their release from prison, all oriented toward relapse prevention.

DRUG TREATMENT SUPPORT

Ms. PELOSI. So you support treatment in the interest of demand reduction?

Mr. QUINLAN. Yes, I do. And I believe that the evidence—the jury is still out on this particular program. The National Institute of Drug Abuse has invested \$2.9 million in research on our drug treatment programs because they think this is where drug treatment ought to be for institutionalized persons. Those results will start coming in in terms of the released drug treatment cases in 1994. I am sorry, will start coming in August of 1992, but will actually get the more definitive information by the summer of 1994. And at that point, I hope to be able to tell the committee in much more detail how we have hopefully helped a number of people with their substance abuse problems.

Ms. PELOSI. I appreciate that. Thank you, Mr. Quinlan. I would like to at some time pursue the conjugal visits with you, as I talked to Mr. Hughes, as well.

Mr. QUINLAN. Certainly.

WAR ON DRUGS

Ms. PELOSI. I can't help in closing to mention your statement is similar to what the Attorney General said. He said as a sign of our war on drugs, we have spent 1.6, or whatever it is, billion dollars in building prisons; and I didn't really see that as a sign of success, frankly. I thought a sign of success might be that demand went down and the drug abuse went down. But you are saying, as measured by the composition of our inmate population, the law enforcement on drug offenders is working, so you have the same philosophy there.

But hopefully, especially in light of what you said about the effectiveness of treatment, you can reduce demand, reduce the inmate population, and reduce the drug problem in our country with some other emphasis on treatment as well as law enforcement.

Thank you, Mr. Chairman.

Mr. QUINLAN. Thank you.

FUNDING FOR INMATE PROGRAMS REQUEST

Mr. EARLY. Mr. Quinlan, in your budget for inmate programs, you have a pretty hefty increase. An \$11 million increase for a total \$112 million appropriation for that. Why not use the fees that we talked about earlier to improve education, training, drug treatment, etc.

Mr. QUINLAN. I certainly think that if we can get more money into drug programs or those type of programs, that that would make sense, although I would caution on the drug treatment that if we could wait to see what the study shows, we will be more focused in putting our attention, our resources in the right areas.

I think the only danger of focusing it on benefitting programs that we are running is that people will argue that we are coercing prisoners to—although now I am going to change and do a 180 right here in front of you, because I can see that if the benefit is going to be the inmate through a program, there is no argument that could be made that we are trying to draw this money from the prisoner for our own benefit, in a sense, by reducing our budget that we would have to come to Congress for.

So I think that maybe we could do something like that.

AIDS PATIENTS

Mr. EARLY. I think you have to make major changes. How many AIDS patients do you have incarcerated?

Mr. QUINLAN. We have about 640 people in the prison system who are HIV infected; about 112 of them are in the hospitalization end stage of their disease where they are in Springfield, or Lexington if they are female.

Mr. EARLY. When you are talking 640, you are talking about an entire prison population. Some of the best AIDS research we have had has been done by the Department of Defense. DoD did a study over in Germany, which the Army participated in, but they had a captive audience.

Now, here you are with an even more captive audience in the prisons. We need to look at building facilities with some imagination attached to our programs. The taxpayer is entitled to get something out of it. At the same time, you can incorporate things that are compassionate to the prisoner.

Why don't we look to incorporate some program with CDC, the Centers for Disease Control in Georgia, where you can cooperate with CDC in clinical AIDS trials, or other types of health research trials?

I mean, we would be getting something from our prisoners, and they would be getting something in return.

Mr. QUINLAN. Well, there is a period in our history, Mr. Chairman, when we did use prisoners for medical research, and there was a great deal of opinion at the time that that was not in the best interests of the prisoner.

Mr. EARLY. I think that is entirely different. I mean, I am talking about something where you can make it long-term for the prisoners that want to participate. You are talking about back when the prisoner had nothing, he was just put in for that type of thing. I am not talking about that, Mr. Quinlan. I am talking about some-

thing with imagination along the camp type of suggestion that Mr. Rogers and you had an exchange on.

We have to do something that we can get some benefit out of and the prisoners, on a voluntary basis, of course.

Mr. QUINLAN. Well, I have not heard of an interest by CDC in using prisoners; but—since our medical director is an assistant surgeon general of the Public Health Service—I will ask him to pursue that with CDC. And if there is an interest and we can pursue that interest in a way that will not put prisoners at a disadvantage in terms of their being captive audiences, so to speak, in terms of this research, if they want to be involved, and it would serve the interests of society and they feel that they could make a meaningful contribution, I would support that.

But I am not, at this time, aware that there is an interest in using human subjects as—

Mr. EARLY. No, because no one wants to make any changes; no one wants to be aggressive. They want to talk change but not make any change. In general, people want to lock them up in the cells and leave them there.

I am not being sympathetic to the prisoner. I think you can have a compassionate side where you would have an option. Whether they want to participate would be up to the prisoners. They might not have to be infected with HIV or whatever, but they could participate in some of the clinical trials, if they wanted to.

Mr. QUINLAN. Okay. I will pursue that.

USE OF INMATES FOR CLINICAL STUDIES

Ms. PELOSI. Will the gentleman yield on that?

Mr. EARLY. Yes.

Ms. PELOSI. What makes this so very different than anything that went before, and I am not saying that it is not possible, is that for the kind of clinical trials that the CDC, that NIH performs, there is rarely a shortage of candidates in the population outside the prisons, because what they are calling for are more clinical trials, because they end up in many cases to be treatment if the drug works, they have been the beneficiary.

So if it is something that has proved to be efficacious, or they are trying to prove the efficacy but they already know it is safe to use on humans—but as long as you are talking about a voluntary program, I don't think that it is the same as in the population outside that it would be—I think people would consider it an opportunity, if it is a drug that is not dangerous to them. But we are just looking for efficacy, will it work, rather than will it harm.

Mr. EARLY. The real plus for you, Mr. Quinlan, is that on our clinical trials, where they are usually done on an outpatient basis, we can't monitor them. We could monitor your prisoners seven days a week 24 hours a day, and we could see results as it progresses. I mean, I am sure all your 604 prisoners that have HIV are in different stages.

Mr. QUINLAN. That is correct.

Ms. PELOSI. Mr. Chairman, if I may again, you make a very good point. It is very difficult to know absolutely that someone is in a clinical trial. You have their word that they are, but you know,

sometimes people are desperate because they know if they have HIV, that right now the prospects are not great, that they are not trying some other protocol at the same time as the protocol they are involved in. It might be interesting to see.

NEW CONSTRUCTION REQUEST

Mr. EARLY. Mr. Quinlan, in fiscal year 1992, \$132 million was appropriated for new prison construction to fund the Department's highest priority requirements. Have you determined the types of potential sites of facilities to be built with these funds?

Mr. QUINLAN. We have identified a couple of facilities that we would like to pursue. We have been in touch with a couple of members and have received initial indication of support, and we will be moving ahead within the next few days to try to get these cleared and approved.

Mr. EARLY. I am not looking to push you, but I would appreciate it if you would notify the staff as soon as you have identified something.

Mr. QUINLAN. Very good, sir.

PARTIAL FUNDING OF NEW CONSTRUCTION

Mr. EARLY. What prompted you to make the decision for partial funding for a number of new construction projects proposed in fiscal year 1993?

Mr. QUINLAN. That came about—maybe Wade would like to be more specific. I think primarily because we weren't spending the money, and it was appropriated. It was causing some other problems in the Federal budget, so we felt that we could help the situation and reduce our fiscal 1993 request by only asking for that part of the money that we could actually spend in that fiscal year.

Mr. EARLY. Isn't it more responsible to appropriate up front the full amount of the cost to build a prison?

Mr. QUINLAN. You are right.

Wade, do you want to try to answer that?

Mr. HOUK. We would mention, Mr. Chairman, that in a way, we returned to a practice that the Bureau and this Committee followed in the late 1970's where we did at that time have sort of a two-phased budgeting approach where we first asked for the site money and then later for the construction.

And I think it, of course, is very important that we make clear what the future costs will be so that there is no question that we are trying to hide the costs in any way of a future institution. But as the Director mentioned, we have a considerable amount of funds that continue to be unobligated from the very large supplemental of \$1 billion that occurred in fiscal 1990, and we have many active projects, and thought it appropriate to slow down the rate of our appropriations at this point in time.

Mr. EARLY. I am not sure that is responsive. I mean, it isn't like the expenses are not going to be there.

If we do it with prisons, then I guess we should do it with every single agency we have. Then we are going to put the Federal Government in a terrible position.

Mr. HOUK. Well, as I indicated, our desire is simply to not to seek to have funds appropriated to us faster than they would be needed, and in no way are we attempting to not make clear the actual amount of the request. But I certainly understand your point, Mr. Chairman.

Mr. EARLY. For the record, please identify for each project you plan to initiate in fiscal year 1993 the amount requested in 1993, what this amount will buy, the estimated cost to complete each project, and when you will request funds to complete the projects.

Mr. QUINLAN. Very good, sir.

[The information follows:]

NEW CONSTRUCTION COSTS

(In thousand of dollars)

| Project | 1993 request | Estimated outyear request |
|--|-----------------------|---------------------------|
| Medical center (750 beds) | ¹ \$17,650 | \$108,000 |
| Yazoo City, MS (662 beds) | ² 79,603 | |
| Forrest City, AR (662 beds) | ¹ 8,395 | 68,000 |
| Expansion projects at existing facilities (408 beds) | ² 32,990 | |
| Middle District of Florida (500 beds) | ¹ 5,760 | 50,000 |
| Sacramento Detention Center (500 beds) | ¹ 7,691 | 60,000 |
| Acquired facilities | ² 20,000 | |
| Total (3,482 beds) | 172,089 | 286,000 |

¹ Site and planning funding.

² Full funding of project.

Note.—The outyear request reflects the Department's current estimate of requirements, which would normally be requested in 1994. These estimates are under consideration by the Administration.

ACTIVATION DELAYS

Mr. EARLY. The Committee is concerned about increasing delays in constructing and activating Federal prisons. For example, in fiscal year 1983, \$40 million was appropriated for Los Angeles MCC with a completion date of 1986; three years from start to finish. Why are we now seeing examples like the Seattle FDC which will cost \$63.8 million and will take an estimated six years to complete?

Mr. QUINLAN. I think, Mr. Chairman, that Seattle is a good facility to talk about, because it points up the problems that we run into in areas that we identify as potential sites.

In addition to the environmental issues which we sometimes contend with, including wetland problems and other hazardous waste problems, we also then have procurement delays that sometimes interfere, or contractors who either do not perform as they claim they will, or they have labor disputes or whatever, and so we have delays.

The biggest cause of delay, generally, and the Seattle problem is a good example, is just local opposition. There have been a lot of discussions with the local people, and for whatever reason, they have been interested in getting us to do more, to give more explanations, to get them to the point where they are willing to accept the concept of us building a Federal Correctional Center in Seattle.

I think we are close. We are working now very closely with the General Services Administration, and we hope to have a site identi-

fied in Seattle very shortly. But it is difficult—it is hard to project how some of these things will work.

As you know, it would be in our best interests and everyone's best interests if we could just walk in and say that is where we want to build it, everything just works perfectly, and three years is all it would actually take to do it. But unfortunately, in every case, there is always, it seems like—and maybe Wade can give me some examples of some situations which worked better than others, but it seems to me, from my own personal knowledge, that in almost every case, something at some stage of the development slows us down.

Mr. EARLY. Don't we have a financial crisis that makes us not leave open these options? Once you decide where it is going, I mean, if we are going to let the local communities come in and delay and delay and delay and increase the expense—don't we have to make some changes?

Mr. QUINLAN. Well, we wouldn't normally, Mr. Chairman, if the community shows that kind of opposition. The nature of our national community right now is that we don't have trouble locating Federal prisons, except in New England and in certain metropolitan areas like here in the District of Columbia or in Seattle where we want to be near a courthouse, and the land becomes a more precious commodity to us than normally. If you say to us you are going to give us money to build a Federal Correctional Center in the Southeast or the Northeast or wherever, that gives us maximum flexibility and we can look in different States and pick our best spot.

If the Marshals Service and the courts have a need for a detention facility in a particular geographic area, and that generally is city specific, our options of going elsewhere and not pandering to the local community are greatly inhibited.

Mr. EARLY. But Mr. Quinlan, in Massachusetts for example, there has been much indecision. The courthouse is in Boston, and we detain unsentenced prisoners in Connecticut, which is three hours away. Plus there are security related problems. I would think that you can look at Fort Devens and not expect to get a hundred percent cooperation. If you decide that that is where you are going to put a facility, then you should not pander to the local community.

Mr. QUINLAN. Yes, sir. Well, we don't look for a hundred percent, because we always know that there is going to be a group that will oppose it. But I hear your message, and we will move ahead with all due speed.

COST INCREASES RESULTING FROM CONSTRUCTION DELAYS

Mr. EARLY. Do we have any estimates of the cost increases associated with the delays in constructing prisons?

Mr. HOUK. Recently, because of the economy, it is probably at the rate of maybe 3 percent a year. The construction industry, of course, has been hurting, so that the types of increases have not been that significant.

Mr. EARLY. I have a few other questions which I will submit for the record.

I also would like you to pursue a prison in Alaska. We discussed this a few years back, and members from Alaska have shown an interest. I would prefer constructing a facility in Seward, Alaska than in Hawaii.

Mr. QUINLAN. The Hawaii request that has been discussed, Mr. Chairman, related again to the detention issue, and it—unfortunately I agree with you that normally speaking we shouldn't have to be that sensitive to geographic specificity. But detention from Hawaii, since there is a State facility that we currently use, is basically helping us to find another answer to the detention needs. You know, our hands are tied.

Mr. EARLY. But I think we have several hundred Alaskan prisoners that we have to house outside Alaska. I think it is about the same principle.

Mr. ROGERS, do you have anything further?

HIGH SCHOOL EQUIVALENCY

Mr. ROGERS. Yes. Now, I notice that roughly half of the population is without a high school diploma or the equivalent. What type of curricula are you offering within the institutions; and two, do you do those offerings yourself or in conjunction with an outside facility?

Mr. QUINLAN. We offer, Mr. Rogers, high school education in all of our prisons. The fact is, a high school equivalency is mandatory for every Federal prisoner. Prisoners are required to attend school for the first four months of their sentence to acquire that high school diploma, and hopefully they will stay longer, if necessary. And we hold certain things away from them if they do not pursue the high school program.

Most of the programs are offered by civil servants, although a number of very good programs are offered by local community educational resources, high schools that offer sort of an extension program at the local prison, or other kinds of junior college arrangements which exist, depending on the vicinity. There is no one answer that applies. It really depends on what the local resources are and the interest of the local community to provide a program at the Federal prison.

Mr. ROGERS. So that is basically the local warden's determination?

Mr. QUINLAN. The local warden will work with the local educational officials, and if they are able to support an education program at the prison, we are going to try to have them do that. If they can't, then we will provide the service ourselves.

Mr. ROGERS. Do you ever do that by satellite delivered television?

Mr. QUINLAN. We have not, to my knowledge, done that yet, although we are in the process, as an agency, not just in the education area, but in the area of cutting down some of the travel costs looking into the technology that is available through teleconferencing. I see the day within the not-too-distant future where a lot of programs in institutions can be offered and greatly expanded at very little expense through the use of teleconferencing.

MEDICAL FACILITY CONSTRUCTION

Mr. ROGERS. Now, lastly on medical care, we have covered a lot of this already, that you are asking \$18 million for site development and design for a Federal facility in the Northeast. When you put your budget request together, how much did you allow for inflationary costs in the medical field?

Mr. QUINLAN. Could I ask Wade to respond to that?

Mr. HOUK. Yes. Mr. Rogers, in this regard we have actually used construction indexes that would project future increases in the construction industry, and it doesn't really discern specifically the medical facilities. So we have projected the normal type of inflationary trend in the construction industry.

Mr. ROGERS. Tell us what you intend to do with these funds committed to the medical facility in Northeast?

Mr. QUINLAN. What we hope to do, Congressman Rogers, is identify a site, possibly at Fort Devens, and then through doing the advance of architectural and engineering work, possibly some site preparation work, if there are any buildings that have to be demolished or whatever, that kind of work, that amount of money would allow us to get started and come back to the Congress in another year and ask for the money to actually do the construction.

Mr. ROGERS. Now, you still contract for outside medical services?

Mr. QUINLAN. To augment programs that are offered within the prison only.

Mr. ROGERS. Well, I gather you don't have the capacity within the system to fully care for the inmates?

Mr. QUINLAN. That is right. As you know, the world is very complicated now, and everyone is a specialist, and everyone who has a significant medical dilemma in a prison cannot always have that dilemma dealt with by one of our staff physicians. They may not have the expertise. And so we would then use consultant physicians, psychiatrists or whatever.

Mr. ROGERS. So what would this medical facility be, a hospital-type facility?

Mr. QUINLAN. It would be a hospital, yes, sir. We have currently three major hospital facilities in the Bureau of Prisons. We have the facility in Springfield, Missouri, that has been in operation for better than 50 years. And then we have a facility in Rochester, Minnesota, which is relatively new in the last four, five or six years, which is in conjunction nearby the Mayo Clinic. A lot of the Mayo physicians provide the care for the prisoners. Then the female prisoners are at the Lexington facility, Lexington, Kentucky; and that is a large female prison, but it has a 300-bed capacity medical facility. Those are the three major areas.

But with the growth of the Bureau in the next eight years almost doubling, we will need a sizable amount of new medical beds. One of the facilities we are planning to locate in North Carolina, and we hope then to identify a site in the Northeast for another medical facility to meet these needs. These would be prison hospitals, which would have capacity of about 500 inpatients.

ACCESS TO MEDICAL CARE

Mr. ROGERS. So a prisoner in need of hospitalization anywhere in the country in your system, then, would have access—

Mr. QUINLAN. We would transport them to—if time permits and the situation allows for transportation, we would always generally prefer to move them, except if it is something that can be done on an outpatient surgery basis, one day in the community. It is actually cheaper to the Government to do that locally and just take correctional officers downtown and supervise the person, and then bring them back to the prison, than it is to move them to a centralized facility like the ones I mentioned.

Mr. ROGERS. So in your five-year building plan, you have the one in North Carolina and somewhere in the Northeast?

Mr. QUINLAN. That is correct.

Mr. ROGERS. And that is all?

Mr. QUINLAN. At this time, that is all we have.

Mr. ROGERS. Thank you.

Mr. QUINLAN. Thank you, sir.

Mr. EARLY. Mr. Quinlan, I want to thank you for your testimony. I want the record to show that I still think that your agency is one of the best administrated Federal agencies that we have.

Mr. QUINLAN. I thank you, Mr. Chairman. I appreciate the support of this Committee very much. Thank you both very much.

[Subsequent to the hearing, the following questions were provided for response.]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

FEDERAL PRISON SYSTEMPrison Construction

QUESTION: In 1992, \$132 million was appropriated for new prison construction, to fund the Department's "highest priority" requirements. Have you determined the types and potential sites of facilities to be built with these funds?

ANSWER: The Bureau plans to use the \$132 million for an FCI in Scranton, Pennsylvania (\$64.9 million), an FCI in Edgefield, South Carolina (\$58.6 million) and site development costs for an FCI in Pollock, Louisiana (\$8.5 million).

QUESTION: According to your budget, your overcrowding goes from close to 60 percent in 1992 down to 31 percent in 1996. Is 30 percent overcrowding an acceptable level?

ANSWER: One of the means employed by the Bureau to reduce its overcrowding rate was the modification of its rated capacity policy to provide for substantial double bunking. Under this recent policy change, the rated capacities of minimum and low security institutions include double bunking of all inmates, while medium security institutions would double bunk 2/3 of their inmates. High security facilities remain rated for single cell occupancy. This definitional change is important in reducing the overcrowding rate from 60 percent. More important, however, is the completion of a number of new facilities that will allow us to reach the 30-percent overcrowding level. The 130-percent goal was established before the aforementioned rated capacity policy changes and now understates the crowding the Bureau has determined is appropriate. The Bureau is currently reviewing this crowding goal for potential revision.

Construction/Activation Delays

QUESTION: The Committee is concerned about the increasing delays in constructing and activating Federal prisons. Is there anything that the Department can do to speed up the process?

ANSWER: The Bureau of Prisons is in the midst of the largest expansion program in its history. Every effort is being made to begin each project as quickly as possible. In some locations however, adequate sites have been very difficult to acquire. These delays, of course, have a ripple effect on the entire project schedule. The Bureau's site selection specialists are aggressively pursuing sites in many areas of the country to address this very situation.

QUESTION: Is there anything that the Congress can do to assist you in accelerating the construction of prisons?

ANSWER: The Bureau of Prisons recognizes the considerable Congressional support already received for not only the

construction program, but the overall agency operation. Beyond continued support during the site selection process, we do not think any Congressional assistance is necessary.

Prison Activations

QUESTION: Last year, you requested \$120 million for prison activations. What was the final amount needed in 1992 for activations, and what caused the delays?

ANSWER: Of the total 1992 activation request of \$120 million, Congress funded approximately \$44 million directly. In addition, \$23 million is being provided from the 1991 Capital Surplus in the Assets Forfeiture Fund. The Bureau plans to use the total \$67,177,000 provided in 1992 for the following activations: Seymour Johnson Expansion (\$5,753,000), Allenwood Complex (\$9,625,000), FDC Guaynabo (\$16,820,000), Oakdale II Detention Unit (\$3,920,000), Big Spring Satellite Camp (\$693,000), FCI Estill with camp (\$7,849,000), Florence Complex--equipment only (\$4,298,000), and Acquired Facilities (\$18,219,000).

The delays were due to various reasons; i.e., delays in removing hazardous waste and completing sewage plants; contractors falling behind schedule; and inclement weather.

QUESTION: For 1993, you request \$100 million for activations. How confident are you about this estimate?

ANSWER: The 1993 activation request was very carefully constructed based on the current construction and procurement schedules and has been reduced through the budget review process. No delays in activations are anticipated at this time; however, a complicated set of variables can accelerate or delay activations; i.e. contractors, weather, equipment, etc. Should any such delay occur, unused activation funds may now be held through 1994 and would not be requested again.

Hawaii Facility

QUESTION: The Committee is currently considering a reprogramming request by the Department which would shift \$10.3 million originally proposed for a Leavenworth detention facility to initiate preparation for a Metropolitan Detention Center in Hawaii. What is the total projected cost of this facility, and when do you plan to request the additional funds?

ANSWER: The Metropolitan Detention Center planned for Hawaii is projected to cost a total of approximately \$80 million. The additional funds beyond the \$10.3 million will be requested later.

QUESTION: How many beds are you designing this facility in Hawaii to accommodate? How many of those beds will be used for sentenced prisoners and how many will be Marshals Service

or INS detainees?

ANSWER: The facility in Hawaii is intended to have approximately 500 beds. Currently, it is envisioned that the beds would be allocated as follows:

| | |
|--|-----|
| Bureau of Prisons (Sentenced inmates)..... | 100 |
| United States Marshals Service (Pre-trial detainees) | 325 |
| Immigration and Naturalization Service..... | 75 |
| Total..... | 500 |

QUESTION: What success are you having in identifying sites in Hawaii that would be provided at no cost or is surplus military property?

ANSWER: The Bureau has been working closely with Under Secretary of the Army John Shannon to identify a military property appropriate for a Metropolitan Detention Center. This is a substantial undertaking and, although the Bureau is optimistic that a site will be identified shortly, none has yet been identified.

Drug Treatment

QUESTION: How much are you requesting for your drug treatment program for 1993, and how does that compare to 1992?

ANSWER: The requested increase in 1993 for drug treatment is for three community treatment specialist positions and \$129,000. In 1992, we received 100 positions and \$11,948,000. We believe this \$129,000 increase, when added to our base funding, will allow us to address the need.

QUESTION: Will all of your institutions have a drug treatment program?

ANSWER: Eventually, all institutions with an inmate population of 500 prisoners or more are expected to have drug education and counseling programs. By the close of 1992, 31 institutions will have residential drug treatment programs. All institutions currently offer non-residential treatment and a 40-hour drug education course.

Federal Prison Industries

QUESTION: The Joint Committee on Printing has expressed concern that FPI's tendency over the past several years has been to acquire larger-format, higher volume equipment which does not meet the statutory goal of maximizing inmate employment and training. It has been suggested that FPI needs to refocus and acquire smaller, more labor-intensive printing equipment which is more prevalent in the private sector, and would provide greater employment opportunities for inmates upon release. Please provide your response to these concerns.

ANSWER: The Bureau of Prisons' Director, J. Michael Quinlan, has reiterated on numerous occasions that FPI's basic mission

of employing and training inmates is paramount. FPI has always been highly sensitive to its obligation to concentrate on labor-intensive operations. The decisions to deploy larger and more modern equipment in some of its plants represents FPI's best effort to balance the many goals which they are called upon to meet.

While FPI tries to maximize the number of inmate jobs they can create, they must also remain cost competitive. Otherwise, Federal customers will meet their printing needs elsewhere, and the number of inmates employed will decline. The "larger, higher-volume equipment" cited in the question are not typical of FPI's equipment. FPI's seven print plants rely primarily on smaller, manual equipment, along with some larger presses. This enables FPI to accomplish its goal of employing and training inmates while simultaneously meeting customer cost requirements.

FPI typically employs more inmates (sometimes 2 to 3 times as many) to operate its equipment than do comparable privately-run print shops. Moreover, the labor-intensive print operations produce many inmate jobs in the bindery, collating, packaging, and finishing areas. While FPI's activities are primarily labor-intensive, FPI believes that inmates must have some exposure to equipment currently being utilized in the marketplace if their training is to be of value to them upon release.

QUESTION: Do you submit all printing equipment lease/purchase requests to the Joint Committee on Printing as required by Title 44? Has the Joint Committee on Printing denied or disapproved any of your requests for equipment? How many times in the last three years? Have you acquired any printing equipment which has been denied by the Joint Committee on Printing? If so, please identify the equipment, costs, locations, and your rationale for proceeding without Joint Committee on Printing authorization.

ANSWER: Printing equipment leased or purchased by FPI is reported to the Joint Committee on Printing as required by the DOJ/OLC opinion issued in 1984. This opinion indicated executive branch agencies did not have to seek the Joint Committee on Printing (JCP) approval as specified in Section 501(b) of Title 44. The opinion indicated that agencies should still notify the JCP in advance of proposed actions, which was incorporated into Department of Justice policy. In accordance with this policy, FPI provides the Joint Committee on Printing 30 days advance notification of its intent to acquire new equipment. Detailed information on the type of equipment, its cost, and location are specified at that time. FPI is currently and will remain in conformance with this policy.

QUESTION: Has the Federal Prison Industries (UNICOR) ever directly purchased printing or printing services from the private sector to fulfill or partially fulfill a customer agency's needs? If so, please identify each transaction and its value. Have these purchases been reported to the Joint

Committee on Printing as required by the Government Printing and Binding Regulations?

ANSWER: From time to time, on an as-needed basis, FPI has subcontracted out part of a printing requirement to private sector firms. Typically these firms are locally-operated small businesses. Use of these contracts enables FPI to maintain adequate work levels to fulfill its principal mission of employing and training inmates. In some cases, due to the lack of equipment capacity in areas like collating and bindery, FPI will contract with a private printer to handle periodic overflow. This contracting generally involves portions of the pre-press or bindery aspects of a print order, rather than the printing. Since FPI has been encouraged by its Board of Directors and in the recent Deloitte Touche Independent Market Study to work with private firms wherever possible, FPI sees these joint opportunities as beneficial to the private sector.

All reporting of FPI activity is reviewed and coordinated through the Department of Justice for submission to the Joint Committee on Printing. DOJ staff raised the issue of reporting subcontracted work in a meeting with FPI print managers in April 1991. In response, the FPI Graphics & Services Division began the systematic collection of this information for reporting purposes at the start of the current fiscal year. FPI plans to submit this information to DOJ in November to be forwarded to the JCP.

QUESTION: Do you perform screen printing services with UNICOR? Please provide for the record, all screen printing activities including those using screen printing equipment located in areas other than JCP-authorized printing plants. Are all of the screen printing activities under the control of the Central Printing and Publishing Management Organization? Please submit a current inventory, by facility, of all screen printing equipment purchased or leased by the FPI within printing plant operations or any other areas using the screen printing process.

ANSWER: Screen-printed products are produced in Federal Prison Industries sign factories, as are other sign products, and are distinct from FPI's print shops. FPI operates sign plants at four locations: USP-Lompoc, CA; FCI-Ft. Worth, TX; FCI-Lexington, KY; and FPC-Alderson, WV. FPI's sign factories come under the purview and oversight of UNICOR's Graphics & Services Division.

QUESTION: FPI authorizing legislation states that FPI may not unfairly compete with the private sector. How do you justify claiming FPI as a mandatory source for certain silk screening products and services that you consider mandated to be produced through FPI? Does FPI have current or future plans to designate other printing services or products as mandatory through FPI?

ANSWER: Sign products are classified by the GSA's Federal Procurement Data Center as a product, not a service and,

therefore, retain FPI's product preference. Sign products manufactured by FPI have always been treated as such. By statute, FPI must meet standards for price, quality, and delivery. If this is not the case, a customer may request a waiver, which is generally provided. FPI is not currently a mandatory source for printing services. While the Deloitte Touch Independent Market Study recommends that FPI be made a mandatory source for printing, there has been no attempt to request a change in status.

QUESTION: Please provide your rationale for not reporting to the JCP, printing equipment being used in sign production. While signs may be listed by GSA as products and produced in separate shops distinct from the printing facility, the equipment used in the production of these signs is printing equipment and falls within the jurisdiction of Title 44.

ANSWER: Equipment used to produce signs is not used to provide printing services. The majority of FPI's sign equipment is hand-operated, and is used to produce signs on aluminum, plywood, and vinyl. The majority of the signs fall under the Federal Supply Class 9905--Signs.

QUESTION: Please explain why the volume of printing performed by FPI for customer agencies has grown so sizably in the last five years. Are you exceeding the production levels established by the Joint Committee on Printing? If so, why? Do you employ non-inmate staff to assist, set up and/or operate printing equipment? If so, how many such people are employed, at what cost and where?

ANSWER: Printing has grown, primarily due to the growth in the Federal Prison System's inmate population. There are no JCP-authorized production levels presently in effect. The previous production level authorized by the JCP was negotiated in 1985 for a five-year period, and expired in 1990. FPI staff, through the DOJ, attempted to meet with staff of the Joint Committee on three separate occasions since June 1991. On each occasion, the meeting was cancelled by the JCP.

FPI employs civilian staff to supervise inmates, provide adequate security, and train inmates in the set-up and operation of printing equipment. All staff are paid for by the revenues generated by the FPI program and, therefore, are compensated at no cost to the taxpayer.

QUESTIONS SUBMITTED BY CONGRESSMAN ALEXANDER

FEDERAL PRISON SYSTEMForrest City Project

QUESTION: According to your budget proposal the current plan is to construct a 662-bed high security facility and satellite camp at Forrest City. It is also my understanding that construction of facilities with other levels of security at Forrest City is being considered. What is the currently projected bed-capacity for the Forrest City site? When do you expect a decision to be made on constructing additional bed capacity at Forrest City?

ANSWER: The Environmental Impact Statement (EIS) process currently underway in Forrest City is evaluating several properties for their potential use for housing 3 or 4 institutions in a correctional complex. This approach preserves future options for development of the property finally chosen. The scoping process of the EIS estimated that its complex could eventually house approximately 2,750 inmates among the multiple institutions. The need for additional institutions, beyond the facility identified in the 1993 budget submission, will be considered as we update our capacity plan for the 1994 budget.

QUESTION: The 1993 budget request is for \$8,395,000 for the facility at Forrest City, and the total cost is estimated at \$76,603,000. If there were an increase in the number of beds, above the 662-bed figure identified in the budget request, how will this affect the overall estimated cost? Would there be a need for additional funding in the 1993 budget?

ANSWER: Assuming that the requested \$8,395,000 is appropriated in 1993, the Bureau of Prisons will proceed to design a penitentiary and a camp that will cost \$76,603,000, which will provide 662 new beds. To increase the number of beds without a clear indication from Congress that more than the requested amount would be appropriated, would require the Bureau to design a lower security classification facility. Once the design work begins on a penitentiary, it is very difficult to increase its capacity without increasing the overall cost. Camps constructed adjacent to penitentiaries and other high security facilities, however, can be and often are expanded at a lower increased cost. If the intent of Congress is to increase the size of the penitentiary, it is critical that the decision be made in the 1993 budget cycle. Increases in the capacity of camps can be made either in the 1993 or later years.

QUESTION: Please define the terms "site and planning costs" for which funding is proposed in the budget request. What activities will occur in 1993?

ANSWER: The terms "site and planning costs" refer to the initial project related expenses incurred in the selection

of a new prison site. These expenses range from site selection/environmental reviews to the procurement of architectural and engineering services for design of the proposed facility. In addition, preliminary site preparation work is planned with these funds.

The following facilities have planning and site activities scheduled in 1993: Yazoo City, Mississippi (662 beds); Forrest City, Arkansas (662 beds); a medical center whose exact location has not yet been designated (750 beds); and detention centers in the Middle District of Florida (500 beds) and Sacramento, California (500 beds). Further, expansion projects at five existing facilities (which will add 408 beds) and renovation and rehabilitation of acquired facilities, such as former military bases and closed college campuses, will also include planning and site activities.

QUESTION: When is the estimated date for acquisition of the property? Is there an estimated date on which site preparation for the Forrest City, Arkansas prison will begin?

ANSWER: We are currently in the process, which began with the Scoping meeting on January 30, 1992. We anticipate a Record of Decision in the fall of 1992. Acquisition of the site would occur after the Record of Decision, when Forrest City and the Bureau will complete the documents for donation of the property to the Government. Site preparation is anticipated to begin in mid-1993.

QUESTION: When do you expect to begin the actual construction of the facility?

ANSWER: If site preparation can begin in mid-1993, construction could begin when full funding for the Forrest City project is received in 1994.

QUESTION: Have you formulated an estimated schedule for the project from this point to activation? If so, would you please share it with us? If not, when do you expect to have such a schedule?

ANSWER: A detailed schedule has not been formulated at this time. Our preliminary schedule indicates activation by winter of 1996. We anticipate a formal schedule being developed along with the procurement of architectural and engineering services.

QUESTION: According to a February 24, 1992, letter to the Subcommittee, a Draft Environmental Impact Statement on the Forrest City project is expected to be distributed this spring. When do you expect the final Environmental Impact Statement to be completed?

ANSWER: The Final Environmental Impact Statement is expected to be published in late summer/fall of 1992.

WEDNESDAY, MARCH 11, 1992.

UNITED STATES PAROLE COMMISSION

WITNESSES

CAROL PAVILACK GETTY, CHAIRMAN

JUDY I. CARTER, EXECUTIVE OFFICER

WILLIAM PAUL KETCHPAW, BUDGET OFFICER

**HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-
TRATION**

**MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-
LER**

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

BUDGET REQUEST

Mr. EARLY. Continuing our review of the Department of Justice, we will now hear testimony from the United States Parole Commission. The Commission's request is \$9,309,000 in the fiscal year 1993. We will insert in the record at this point the Commission's fiscal year 1993 budget justification.

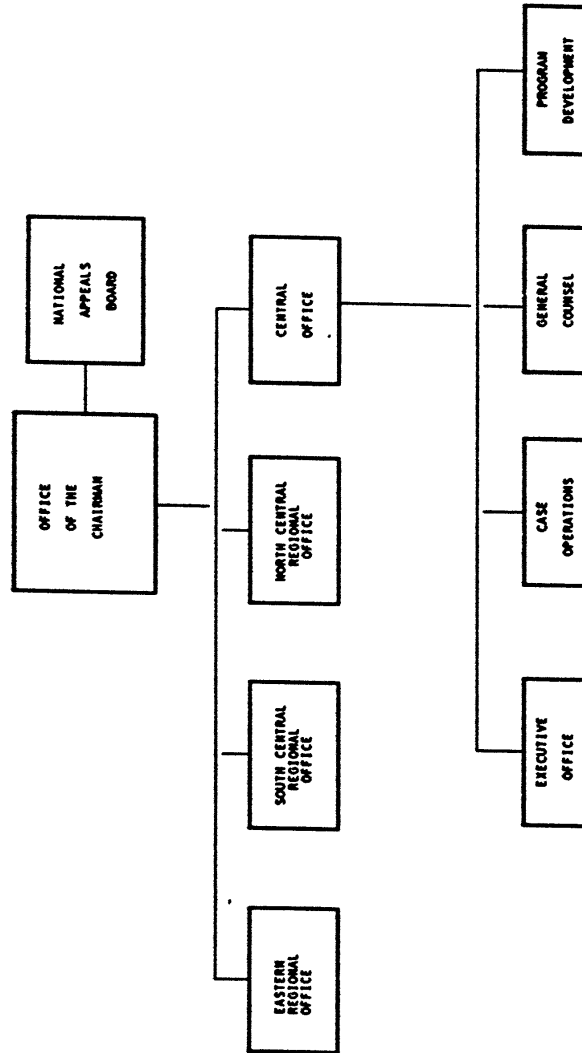
[The information follows:]

**Department of Justice
U.S. Parole Commission
Estimates for Fiscal Year 1993**

Table of Contents

| <u>Appropriation Level Material</u> | <u>Page Number</u> |
|--|---------------------------|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language..... | 4 |
| Crosswalk of 1992 Changes..... | 5 |
| Summary of Requirements..... | 6 |
| Justification of Program and Performance..... | 7 |
| Financial Analysis -- Program Changes..... | 12 |
| Detail of Permanent Positions by Category..... | 13 |
| Summary of Change..... | 14 |
| Justification of Adjustments to Base..... | 15 |
| Summary of Requirements by Grade and Object Class..... | 18 |

UNITED STATES PAROLE COMMISSION



Approved: *Carol Pavlack Getty* 3/19/82
 CAROL PAVLACK GETTY
 Chairman

**U.S. Parole Commission
Salaries and Expenses
Summary Statement
Fiscal Year 1993**

The 1993 budget request for the United States Parole Commission is \$9,309,000, 81 permanent positions and 100 workyears. This represents a decrease of \$546,000 from the Commission's 1992 appropriation, but the request includes an increase of one position and 21 workyears over the 1992 level. These changes are distributed as follows:

| | Pos. | WkYrs. | Amount |
|---------------------------------------|------|--------|--------|
| Community Sanctions Project..... | +1 | +1 | \$ 72 |
| Phase-down of the Commission..... | ... | -10 | -478 |
| Conversion of Contract Employees..... | ... | +30 | ... |
| Mandatory Increases/Decreases..... | ... | ... | -140 |
| Total..... | +1 | +21 | -546 |

Community Sanctions Project - The Parole Commission is seeking one position and \$72,000 for a project being developed in conjunction with the Bureau of Prisons and the U.S. Probation Office to monitor and oversee two pilot violator centers for technical violations occurring in the Washington and Baltimore area in 1993. In 1990, there were over 1,900 revocation hearings nationwide as a result of technical violations of release. Individuals will be targeted for sanctions other than returning them to prison.

Phase-down of the Commission - The request includes a reduction of 10 FTE and \$478,000 associated with the orderly phase down of the program. The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1978 (Public Law 94-233, effective May 14, 1976) renamed the agency as the United States Parole Commission and placed it within the Department of Justice for administrative purposes. The Commission is an agency with independent, decision-making powers set forth by statute which has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (i.e., mandatory release). As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result, the current Federal parole system is scheduled to be phased out. Because the Sentencing Commission was not appointed until October 1985, an extension for the sentencing guidelines was enacted. These guidelines went into effect on November 1, 1987, resulting in a gradual decrease in the Parole Commission's initial parole and review hearing workload. Originally, the abolition of the Commission was scheduled to occur on November 1, 1992; however, the Judicial Improvements Act of 1990 extended that date to November 1, 1997.

During fiscal year 1991, the Commission closed its Northeastern and Southeastern regional offices in Philadelphia and Atlanta and consolidated these two regions into a new Eastern Regional office co-located with the Central Office in Chevy Chase, MD. The Western Region office in Belmont, California was closed in October, 1991, and its workload was divided between the two regional offices in Kansas City and Dallas. During 1992 the Commission is considering the redistribution of its workload between the remaining offices taking into account geographic, transportation, and monetary parameters. In order to maintain efficient and effective operations during the phase-down, the Commission has initiated several management improvements that will enable it to realize its commitment to provide fair and correctly-decided parole decisions, which protect the public safety.

Conversion of Contract Employees - Since the late 1970's, the Commission has used a cadre of contract typists to transcribe hearings. Initially, these contractors were employed on an occasional and intermittent basis; however, over time, they became a normal part of the Commission's staffing, and by mid-1991, there were 41 of these personnel on-board. An examination determined that this contracting arrangement was an improper personnel practice, and the Commission is taking action to convert these personnel to temporary and term appointments. No additional funding is necessary for this purpose, but 30 additional workyears will be needed in 1993.

U.S. Parole Commission

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the United States Parole Commission, as authorized by law, [~~\$9,855,000~~] \$9,309,000

(18 U.S.C. 4202-04, 4212, 4255, 5005, 5041; Department of Justice Appropriations Act, 1992, additional authorized legislation to be proposed)

Explanation of changes

No substantive changes proposed.

U.S. Parole Commission
Salaries and expenses

Crosswalk of 1988 Changes

(Dollars in thousands)

| Budget Activity | 1992 President's Budget Request | | Congressional Appropriation Actions on 1992 Request | | Reprogrammings | | 1992 Appropriation Enacted | |
|-----------------------------|------------------------------------|------------|---|-----------|----------------|-----------|-------------------------------|------------|
| | Pos. | WY Amount | Pos. | WY Amount | Pos. | WY Amount | Pos. | WY Amount |
| U.S. Parole Commission..... | 60 | 79 \$9,786 | 20 | 0 69 | .. | .. | 80 | 79 \$9,855 |

Congressional Appropriation Actions

The 1992 request included a program decrease of 19 positions and 1,395,000 for the phase-down of the program and offsetting increases of \$350,000 to cover the costs of relocation, outplacement and severance pay. Congress added \$117,000 and 20 positions to the request to continue the Hyattsville monitoring project, but reduced the amount for GSA rent by \$48,000.

U.S. PAROLE COMMISSION
Salaries and expenses

Summary of Requirements

(Dollars in thousands)

| Adjustments to base: | Perm. Est. | WT. Amount |
|---------------------------------------|---------------|------------|
| 1992 as enacted..... | 80 | 79 \$9,835 |
| Mandatory increases..... | -- | 30 304 |
| Decreases (automatic non-policy)..... | -- | -- (444) |
| 1993 Base..... | 80 | 109 9,715 |

1992 Appropriation

| | 1991 Budget | 1991 Actual | 1992 Budget | 1992 Actual | 1992 Estimate | 1992 Estimate |
|-----------------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|
| | Perm. Est. | WT. Amount Est. | Perm. Est. | WT. Amount Est. | Perm. Est. | WT. Amount Est. |
| Estimates by Program | | | | | | |
| U.S. Parole Commission..... | 105 | 111 \$10,051 | 105 | 106 \$9,861 | 80 | 79 \$9,835 |
| | Perm. Est. | WT. Amount Est. | Perm. Est. | WT. Amount Est. | Perm. Est. | WT. Amount Est. |
| EOY Employment: | | | | | | |
| Full-time permanent..... | 95 | -- | 95 | 85 | 80 | -- |
| Other than FTP..... | 10 | -- | 10 | 8 | 40 | -- |
| Total, EOY Employment..... | 105 | -- | 105 | 93 | 120 | -- |

777

Long-Range Goal: To make decisions relative to grants and denials of parole, conditions of parole, supervision of parolees and mandatory releases, recommendation in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1978.

Major Objectives: To establish, with the aid of statistical data, a national paroling policy and promote the consistent exercise of discretion in the paroling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable for those prisoners over whom the Commission has jurisdiction.

To make fair decisions regarding the grant or denial of parole, which are fair to the prisoners and which adequately protect the public welfare, within specific time requirements for decisions established by law.

To provide forceful supervision for released parolees and mandatory releases to enhance community protection and the rehabilitation of such released offenders.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

Base Program Description: The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, effective May 14, 1976) renamed the agency as the United States Parole Commission and placed it within the Department of Justice for administrative purposes. The Commission is an agency with independent, decision-making powers set forth in the Federal Parole Commission Act. The Commission has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release). The Parole Commission and Reorganization Act provides for nine Commissioners, one of which is designated Chairman, who are appointed by the President with the advice and consent of the Senate. Each Commissioner is appointed to a five-year term. The Commission is headed by the Chairman and consists of three Commissioners. The Regional Office of the Commission is under the supervision of a Commissioner, and three Commissioners comprise the National Appeals Board.

Board in Chevy Chase, Maryland. National parole policy is made by formal Commission deliberation at quarterly meetings. This continual study and review is designed to monitor and refine parole practices throughout the Federal System.

On a cooperative basis, the Commission uses the services of the staff employed by the Federal Prison System, who are assigned to the correctional institutions throughout the nation. The staff prepares progress reports and other reports concerning parole applicants. Field supervision of released prisoners is provided by Probation Officers of the U.S. Probation Service in the Administrative Office of the U.S. Courts. According to statute, they function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releases are prepared by these officers and submitted to the Commission.

As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result, the current Federal parole system is scheduled to be phased out. Because the Sentencing Commission was not appointed until October 1985, an extension for the sentencing guidelines was enacted. These guidelines went into effect on November 1, 1987, resulting in a gradual decrease in the Parole Commission's initial parole and review hearing workload. The original legislation provided for the Parole Commission to be phased out by November, 1992, but the Judicial Improvements Act of 1990 extended the life of the Commission to November 1, 1997.

During fiscal year 1991, the Commission closed its Northeastern and Southeastern regional offices in Philadelphia and Atlanta and consolidated these two regions into a new Eastern Regional office co-located with the Central Office in Chevy Chase, MD. The Western Region office in Belmont, California was closed in October, 1991, and its workload was divided between the two regional offices in Kansas City and Dallas. During 1992 the Commission is considering the redistribution of its workload between the remaining offices taking into account geographic, transportation, and monetary parameters.

Warrants issued by the Commission to initiate the revocation of an inmates parole, and the resulting revocation hearings, have remained at relatively constant levels over the past several years. Timely processing of warrants and revocation hearings are essential to the general safety of the public and in maintaining public confidence in the parole process. Revocation cases make a disproportionate demand on examiner and staff time.

Numerous conditions of release are imposed with the release of an individual on parole. Violating any of these could result in revocation of parole. The Commission has instituted a "zero tolerance policy" of illegal drug use by parolees. Any instance of illegal drug use by any parolee must be reported by the probation officer to the Commission. After the facts surrounding the violation are reviewed, a sanction or intervention is prescribed to correct or remedy the problem.

The Parole Commission conducts bi-monthly parole hearings at Bureau of Prisons (BOP) facilities throughout the country. The number of facilities serviced is higher than at any time in the operation of the Commission. BOP continues to open new correctional facilities to accommodate the dramatically growing number of prisoners, and as new facilities are opened, the Commission and BOP have agreed to maintain parole-eligible inmates in facilities which will minimize the number of facilities requiring Parole Commission dockets. However, this would not include a reduction from the 1990 high of 63 facilities. Also, selected institutions must be visited more frequently in the future

if the BOP concentrates parole violators in such facilities. Travel time between institutions and regional offices is further increased with the consolidation of regional offices. Further complicating this is the tendency of correctional facilities to be located in rural areas not easily accessible by commercial transportation.

Hearing Examiners working out of the Regional Offices interview prisoners eligible for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all Federal prisons on a bi-monthly schedule. Examiners also conduct revocation hearings at State and Local facilities, as required. Summaries of the hearings are recorded, then transcribed and sent to the Regional Office for the initial review and decision of a Commissioner. Due to the phase-down of the Commission, the Northeast and Southeast Regional Offices have moved and are now co-located with headquarters in Chevy Chase. The Western region office has been abolished and its workload has been redistributed to the South-Central and North-Central regional offices.

Initial hearings are due within 120 days of a newly-sentenced inmate's arrival in prison. Statutory interim hearings are due at 18 or 24 month intervals, pursuant to U.S.C. 4208(h). Institutional revocation hearings are even a more important determinant of the bi-monthly docket schedule. Thus, if an alleged parole violator arrives just after the completion of a docket, BOP can place him on the next docket (within 60 days) and still permit a revocation hearing within the 90-day statutory deadline. Statutory deadlines effectively impose this bi-monthly docket schedule. Local revocation hearings are required to take place within 60 days of arrest and at or near the location where the infraction or arrest occurred. Witnesses are present and produce what are the most work intensive hearings.

An appeal system is in effect to permit review of parole decisions and must be completed at the National Appeals Board within 60 days.

Professional level personnel in the area offices coordinate the work with the Federal Prison System Institutions and the Probation Officers attached to each United States District Court.

The Commission's Case Operations and Program Development section gives functional supervision to Regional Hearing Examiners and Analysts. It provides quality control of case decisions, coordinates the training program, develops procedures to implement Commission policy including a comprehensive manual.

The General Counsel's Office advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974, as amended in 1976. The Office responds directly to requests submitted under the Freedom of Information Act. Finally, the Office has the responsibility for analyzing applications for exemption from prohibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted.

The Commission's legal staff also participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

Accomplishments and Workload:

1. A total 24,641 individual decisions regarding the grant, denial or reduction of parole, as required by statute, were made during 1991.
2. A total 2,500 National Appeals Board considerations were made during 1991, as required by statute.
3. Supervision was provided to approximately 22,000 parolees, special parolees and mandatory releases during 1991.
4. Completed reviews of supervision practices in 8 districts during 1991.
5. Converted to network of personal computers with concurrent usage of Department selection of word processing software.
6. Issued approximately 3,100 warrants for the arrest of alleged parole violators.
7. Relocated the Northeast and Southeast regional offices to Chevy Chase.
8. Electronic monitoring of 452 parolees/mandatory releases, freeing up badly needed prison bed-space.

The workload of the Parole Commission is presented in the following table:

| Item | 1990 | 1991 | 1992 | 1993 |
|--------------------------------------|--------|--------|--------|--------|
| Hearings: | | | | |
| a. Initial | 5,596 | 3,700 | 2,779 | 1,572 |
| b. Record Review * | 19,407 | 14,347 | 11,601 | 6,665 |
| c. Rescission | 586 | 383 | 605 | 498 |
| d. Local Revocation | 507 | 540 | 412 | 376 |
| e. Institutional Revocation ** | 2,945 | 2,490 | 2,335 | 1,975 |
| f. Other *** | 415 | 415 | 750 | 500 |
| g. Statutory Review | 3,552 | 2,766 | 2,232 | 1,744 |
| Total | 33,008 | 24,641 | 20,714 | 13,330 |
| Appeal Decisions: | | | | |
| a. National | 3,045 | 2,500 | 2,165 | 1,103 |
| b. Administrative Review **** | 2,420 | 1,971 | 2,720 | 2,260 |
| c. QJ Decisions and Appeals | 143 | 35 | 195 | 125 |
| Total | 5,608 | 4,506 | 5,080 | 3,428 |

* Includes pre-Hearing Reviews. Home confinement reopenings are included in projections for 1992 and 1993.

** Includes Dispositional Revocation Hearings.

*** Includes Transfer Treaty Cases.

**** Includes D.C. Case Reviews for Concurring Signatures.

***** Workload figures for 1991 are actuals through July, projections through September are used.

| Program Changes | 1993 Base | | | 1993 Request | | | Increase/Decrease | | |
|-----------------|------------|-----|---------|--------------|-----|---------|-------------------|----|--------|
| | Perm. Pos. | NY | Amount | Perm. Pos. | NY | Amount | Perm. Pos. | NY | Amount |
| Parole | 80 | 109 | \$9,715 | 81 | 100 | \$9,309 | 1 | -9 | -306 |

Community Sanctions Project - 1 position and \$72,000. The Parole Commission is seeking one position and \$72,000 for a Community Sanctions Project to monitor and oversee two pilot violator centers for technical violations occurring in the Washington and Baltimore area. The Federal Judicial Center will conduct research on the centers to evaluate their effectiveness in accomplishing the established goals.

Of the 3,300 revocation hearings conducted throughout the country in 1990, 58% (over 1900) involved technical violations of release. Our intent is to pursue effective sanctions other than returning the individuals to prison. With careful administration, this program could be a tool to reduce the rate of recidivism. Individuals will be targeted for sanctions other than returning them to prison. The cost of returning parolees to prison for technical violations, mostly illegal drug use violations, is greater than the overall comparable cost of operating the two pilot centers. The Parole Commission is uniquely suited to undertake this pilot program because it has statutory authority to order sanctions when parole violations occur.

Because the Parole Commission is scheduled to be phased out in November, 1997, this program could be transferred to a successor agency for use in the monitoring supervised releases or terminated if experience warrants. We are confident that this alternative to incarceration will prove to be more cost efficient than returning violators to prison and as a result, it will reduce the need for additional jail space and other associated costs.

Phase down of the Commission - 10 workyears & \$478,000. The Parole Commission is continuing with an orderly phase-down of the program as its workload dictates. The effects of the consolidation of regional offices have resulted in economies of scale and cost savings for the program.

U.S. Parole Commission
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Phase-down of the USPC Program | | Community Sanctions Program | | Total | |
|--|--------------------------------|--------|-----------------------------|--------|-------|--------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | |
| GSCGM - 13..... | ... | ... | 1 | 48 | 1 | 48 |
| Total positions and annual rate..... | 0 | 0 | 1 | 48 | 1 | 48 |
| Lapse (-)..... | (10) | (388) | ... | (24) | (10) | (412) |
| Total workyears and personnel compensation..... | (10) | (388) | 1 | 24 | (9) | (364) |
| Personnel benefits..... | | (90) | | 8 | | (82) |
| Travel and transportation of persons..... | | ... | | 2 | | 2 |
| Transportation of things..... | | ... | | 1 | | 1 |
| GSA rent..... | | ... | | 20 | | 20 |
| Communications, utilities and miscellaneous charges..... | | ... | | 2 | | 0 |
| Printing..... | | ... | | 2 | | 2 |
| Other services..... | | ... | | 9 | | 9 |
| Supplies..... | | ... | | 1 | | 1 |
| Equipment..... | | ... | | 3 | | 3 |
| Total..... | (10) | (478) | 1 | 72 | (9) | (406) |

**U.S. Parole Commission
Salaries and Expenses**

Detail of Permanent Positions by Category

Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Appropriated | 1993 | |
|---|--------------------|----------------------|----------------------|-----------|
| | | | Program Increases | Total |
| Attorneys (905)..... | 7 | 7 | .. | 7 |
| Other Legal and Kindred (906-998)..... | 4 | 2 | .. | 2 |
| Social Sciences, Economics and Kindred (100-199)..... | 35 | 35 | 1 | 36 |
| General Administrative, Clerical and Office Services (300-399)..... | 38 | 35 | .. | 35 |
| Accounting and Budget (500-599)..... | 1 | 1 | .. | 1 |
| TOTAL..... | 105 | 80 | 1 | 81 |
| WASHINGTON..... | 34 | 61 | 1 | 62 |
| U.S. FIELD..... | 71 | 19 | .. | 19 |
| TOTAL..... | 105 | 80 | 1 | 81 |

U.S. PAROLE COMMISSION
Salaries and expenses
Summary of Change
(Dollars in thousands)

| Adjustments to base: | 80 | 79 | Amount |
|---|-----|------|---------|
| 1992 as enacted..... | 80 | 79 | \$9,855 |
| Mandatory increases: | | | |
| 1992 Pay Annualization..... | ... | ... | 62 |
| 1993 Pay Rate..... | ... | ... | 142 |
| Special Pay Rates..... | ... | ... | 11 |
| General Pay Reform Act Annualization..... | ... | ... | 11 |
| Federal Insurance Corporation Act (FICA)..... | ... | ... | 7 |
| Health Benefits..... | ... | ... | 14 |
| Unemployment Compensation - Redistribution..... | ... | ... | 1 |
| Travel: Mileage..... | ... | ... | 1 |
| Justice Telecommunications Service (JUST)..... | ... | ... | 7 |
| Postage..... | ... | ... | 2 |
| GPO and Department Printing costs..... | ... | ... | 3 |
| Employee Data and Payroll Services..... | ... | ... | 1 |
| GSA Rent..... | ... | ... | 25 |
| General pricing level adjustment..... | ... | ... | 17 |
| FTE for Conversion of Contract Employees..... | ... | ... | 30 |
| Total, Mandatory increases..... | ... | ... | 304 |
| Decreases: | | | |
| One Less Compensable Day..... | ... | ... | (16) |
| Nonrecurring Decrease (Relocation and Associated Outplacement Costs)..... | ... | ... | (350) |
| Financial Operations Services..... | ... | ... | (78) |
| Total, Decreases..... | ... | ... | (444) |
| 1993 Base..... | 80 | 109 | 9,715 |
| Program Changes: | | | |
| Community Sanctions Project..... | 1 | 1 | 72 |
| Phase - down of the Commission..... | ... | (10) | (478) |
| Total, Program changes..... | 1 | (9) | (406) |
| 1993 Estimate..... | 81 | 100 | 9,309 |

U.S. Parole Commission
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in Thousands)

| | <u>WY</u> | <u>Amount</u> |
|---|-----------|---------------|
| Mandatory Increases: | | |
| 1. 1992 Pay Annualization..... THIS pay annualization represents only first quarter amounts (October through December) of the 1992 proposed 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$50,000 pay and \$12,000 benefits). | ... | \$62 |
| 2. 1993 Pay Raise..... THIS request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$142,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$97,000 pay and \$45,000 benefits = \$142,000). | ... | 142 |
| 3. Special Pay Rates..... THIS request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991. | ... | 11 |
| 4. General Pay Reform Act Annualization..... The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-37, and Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Also included in the request are the costs for these items unrolled in 1992. Cost estimates were developed from actual payroll costs and provide for new positions, appropriate benefits, vacancy rates and cost-of-living increases. | ... | 11 |
| 5. Federal Insurance Corporation Act..... Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$7,000 is computed based on the increase in the base rate. | ... | 7 |
| 6. Health Benefits..... The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$14,000 provides funds for actual increased costs from pay period 1 to pay period 2 of 1991 projected for a full year. | ... | 14 |
| 7. Unemployment Compensation - Redistribution..... THIS increase reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1993 amount will be \$1,000. | ... | 1 |

785

Mandatory Increases, continued:

| NY | Amount |
|---|--------|
| 8. Travel: Mileage..... | 1 |
| The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 25 cents. This increase provides \$1,000 for this change in allowance. | |
| 9. Justice Telecommunications Service (JUST)..... | 7 |
| The JUST system is a telecommunications system which provides data transmission as well as access to the National Crime Information Center. The connectivity charge reflects tariff charges that users must pay to American Telephone and Telegraph and like companies. The mandatory covers the increase of this charge from the present level of \$165 to \$253 per terminal per month. | |
| 10. Postage..... | 2 |
| The United States Postal Service anticipates an increase in first class rates from 29 cents to 30 cents in early FY 1992. This increase of \$2,000 provides for a 3.4 percent increase above FY 1990 actual usage for first class postage. | |
| 11. Government Printing Office (GPO) and Department Printing..... | 3 |
| GPO is currently projecting a 4 percent increase over the 1992 duplicating costs of \$1,000. Therefore, an additional \$3,000 will be required in 1993 for printing done either by GPO or the Department's duplicating facilities. | |
| 12. Employee Data and Payroll Services..... | 1 |
| Centralized employee data and payroll services are provided to all Departmental organizations except the Federal Bureau of Investigation. A 3-percent increase is needed to stay current with inflationary increases and cost increases not to expanded support associated with growth in personnel management programs and payroll/personnel systems. Federal Human Resources Management Initiative and Federal Employee Pay Comparability Act are causing expanded use of departmental information systems. Existing systems are causing increased costs of processing personnel and payroll data. An increase of \$1,000 will be required in 1993. | |
| 13. General Services Administration (GSA) Rent..... | 25 |
| GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has allowed an overall 10.43 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$25,000 provides for this actual increase over the expected 1992 billing level. | |
| 14. General pricing level adjustments..... | 17 |
| This request applies GSA pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1993 estimates. The total cost for this increase is \$59,000; out of this amount, the Commission is absorbing \$42,000 for a net increase of \$17,000. | |

Mandatory Increases, continued:

| | NY | Amount |
|--|------|--------|
| 15. Conversion of Contract Employees..... | 30 | ... |
| <p>Since the late 1970s, the Commission has used more contract typists to transcribe hearings. Initially, these contractors were employed on an occasional and intermittent basis. However, over time, they became a normal part of the Commission's staff, and by mid-1991 there were 41 of these personnel on-board. The Commission is taking action to convert these personnel to temporary and term appointments. No additional funding is necessary for this purpose, but 30 additional workyears will be needed in 1993.</p> | | |
| Total Mandatory Increases..... | 30 | 304 |
| | ---- | ----- |
| Decreases: | | |
| 1. One Less Compensable Day..... | ... | -16 |
| <p>The annual salary rate for federal employees is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. This request includes \$12,000 for pay and \$4,000 for benefits.</p> | | |
| 2. Nonrecurring Decreases..... | ... | -350 |
| <p>The U.S. Parole Commission's 1993 appropriation included an increase of \$350,000 for relocation, severance pay and outplacement costs associated with the closure of offices in Philadelphia, Atlanta and Belmont, California.</p> | | |
| 3. Financial Operations and Systems (FOS)..... | ... | -78 |
| <p>This request provides for the additional costs in 1993 for FOS and the Department's Financial Management Information System (FMIS) processing charges. Over the past several years, Departmental growth and many government-wide management initiatives have significantly increased support requirements and associated costs for financial operations and systems. The demand for faster processing and expanding needs for management information continue to create higher costs. The FOS must respond to these urgent needs and, as a result, is facing a structural operating deficit. Therefore, this amount represents the net of an increase in the overall account and a redistribution of resources among the various client components.</p> | | |
| Total Decreases..... | ---- | ----- |
| | ... | -444 |
| Total Adjustments-to-Base..... | 30 | -140 |

U.S. Parole Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class

(Dollars in thousands)

| | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|--|-------------|----------|---------------|-----------|--------------|-----------|-------------------|---------|
| | Positions | Amount | Positions | Amount | Positions | Amount | Positions | Amount |
| | & Workyears | | & Workyears | | & Workyears | | & Workyears | |
| Grades and salary ranges | | | | | | | | |
| Executive Level VI, \$108,300..... | 1 | | 1 | | 1 | | | |
| Executive Level V, \$108,300..... | 8 | | 8 | | 8 | | | |
| GS/GM - 15, \$64,232 - \$83,504..... | 9 | | 9 | | 9 | | | |
| GS/GM - 14, \$54,607 - \$70,990..... | 22 | | 22 | | 22 | | | |
| GS/GM - 13, \$46,211 - \$60,071..... | 6 | | 6 | | 7 | | 1 | |
| GS - 12, \$38,861 - \$50,517..... | 10 | | 8 | | 8 | | | |
| GS - 11, \$32,423 - \$42,148..... | 5 | | 3 | | 3 | | | |
| GS - 10, \$29,522 - \$38,364..... | 1 | | 1 | | 1 | | | |
| GS - 9, \$26,797 - \$34,835..... | 7 | | 5 | | 5 | | | |
| GS - 8, \$24,262 - \$31,539..... | 3 | | 3 | | 3 | | | |
| GS - 7, \$21,906 - \$28,480..... | 16 | | 8 | | 8 | | | |
| GS - 6, \$19,714 - \$25,631..... | 9 | | 1 | | 1 | | | |
| GS - 5, \$17,686 - \$22,963..... | 3 | | 3 | | 3 | | | |
| GS - 4, \$15,808 - \$20,553..... | 5 | | 2 | | 2 | | | |
| 1993 Pay Raise..... | | \$5,080 | | | | \$129 | | \$129 |
| Total, appropriated positions..... | 105 | | 80 | 3,396 | 81 | 3,589 | 1 | 193 |
| Pay above stated annual rate.. | | | | | | | | |
| Lapses..... | 8 | | 26 | | 14 | | | (12) |
| Net savings due to lower pay scales..... | (10) | (740) | (10) | (170) | (20) | (581) | (10) | (411) |
| Net full-time permanent..... | 95 | 4,348 | 70 | 3,209 | 61 | 2,990 | (9) | (219) |
| Other than permanent: | | | | | | | | |
| Part-time permanent..... | 5 | 109 | 4 | 336 | 9 | 336 | 5 | |
| Temporary employment..... | 8 | 183 | 5 | 551 | 30 | 551 | 25 | |
| Other personnel compensation: | | | | | | | | |
| Overtime..... | 1 | 34 | 5 | 30 | 5 | 30 | | |
| Other compensation..... | | 93 | | | | | | |
| Special personal services payments..... | | 100 | | 18 | | 18 | | |
| Total, workyears and personnel compensation..... | 109 | \$4,867 | 84 | \$4,144 | 105 | \$3,925 | 21 | (\$219) |
| Average Executive Salary..... | | \$77,992 | | \$108,300 | | \$108,300 | | |
| Average GS/GM Salary..... | | \$31,817 | | \$33,470 | | \$33,470 | | |
| Average GS/GM Grade..... | | 10.30 | | 10.30 | | 10.30 | | |

U.S. Parole Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|--|-------------|---------|---------------|---------|--------------|---------|-------------------|--------|
| | Workyear | Amount | Workyear | Amount | Workyear | Amount | Workyear | Amount |
| Personnel Compensation: | | | | | | | | |
| 11.1 Permanent positions..... | 84 | 4,340 | 70 | 3,209 | 61 | 2,990 | (7) | (219) |
| 11.3 Positions other than permanent..... | 24 | 292 | 9 | 187 | 39 | 887 | 36 | - |
| 11.5 Other personnel compensation..... | 1 | 127 | 5 | 30 | 5 | 30 | - | - |
| 11.8 Special personnel services payments..... | - | 100 | - | 18 | - | 18 | - | - |
| Total..... | 109 | 4,859 | 84 | 4,144 | 105 | 3,925 | 21 | (219) |
| Other objects: | | | | | | | | |
| 12.1 Personnel benefits..... | 915 | | 960 | | | 822 | (136) | |
| 13.0 Benefits for former personnel..... | 44 | | 122 | | | 23 | (77) | |
| 21.0 Travel and transportation of persons..... | 628 | | 658 | | | 668 | 10 | |
| 22.0 Transportation of things..... | 191 | | 267 | | | 233 | (34) | |
| 23.1 Standard level user charges..... | 973 | | 658 | | | 703 | 45 | |
| 23.3 Communications, utilities and other rent..... | 439 | | 801 | | | 828 | 19 | |
| 24.0 Printing and reproduction..... | 34 | | 71 | | | 79 | 8 | |
| 25.0 Other services..... | 1,525 | | 2,099 | | | 1,853 | (146) | |
| 26.0 Supplies and materials..... | 104 | | 61 | | | 64 | 3 | |
| 31.0 Equipment..... | 149 | | 14 | | | 12 | 2 | |
| Total obligations..... | | 9,861 | | 9,855 | | 9,309 | | (546) |
| Relation of obligations to outlays: | | | | | | | | |
| Obligated balance, start-of-year..... | | 3,213 | | 3,528 | | 3,992 | | |
| Obligated balance, end-of-year..... | | (3,128) | | (3,992) | | (3,338) | | |
| Adjustments in expired accounts..... | | - | | - | | - | | |
| Outlays..... | | 9,404 | | 9,391 | | 9,763 | | |

INTRODUCTION

Mr. EARLY. The Committee is pleased to welcome the new Chairman of the Parole Commission, Carol P. Getty. Ms. Getty, we will insert your biography and written testimony in the record, and you may proceed with your statement.

GENERAL STATEMENT

Ms. GETTY. Thank you, Mr. Chairman, and good morning, members of the committee. I am pleased to have this opportunity to appear today before you in support of the 1993 budget request of the United States Parole Commission.

Before I begin my statement, I would like to introduce Judy Carter, who is seated here; she is my executive officer; and Paul Ketchpaw, seated on my right, who is my budget officer.

As you stated, Mr. Early, the 1993 budget request for the Commission is \$9,309,000, which will fund 81 permanent positions, and 100 workyears. This represents an increase of one position and 21 workyears and is a decrease from the 1992 appropriation enacted of \$546,000. This request will provide adequate resources to conduct the required number of hearings for over 20,000 inmates still under the Commission's jurisdiction, who are in the Bureau of Prisons institutions, and supervision for 20,000 parolees in the community.

I would just add here, you heard from Director Quinlan about his 66,300 prisoners in institutions. Someplace between one-third and a quarter of those are still old inmates, who are under the jurisdiction of the Commission. And we still have the 20,000 parolees, or mandatory releases in the community, which gives us a workload of around 40,000 cases.

We are requesting a small program increase of one position, one workyear, and \$72,000 for the Community Sanctions Project that we are developing in conjunction with the Bureau of Prisons, and the United States Probation Service. This program will monitor and oversee two technical parole violation sanction centers in the Washington and Baltimore area.

As we speak, or actually by next Monday, the program in Washington will begin, and the program in Baltimore is slated to begin the first of April. This is for individuals who might otherwise face revocation of their parole and return to a prison generally for a time period which would be about a year. We are targeting this population and attempting to give them a secure sanction before returning to prison.

In the 1990 fiscal year, there were over 1,900 revocation hearings nationwide as a result of technical violations of release. We believe that we should explore alternatives to reincarceration, given the exorbitant costs of housing prisoners, particularly for those who pose no real threat to public safety.

Our request also includes a reduction of 10 workyears and \$478,000 that is associated with the orderly phase down of the Commission. As you know, the Comprehensive Crime Control Act, Public Law 98-493, mandated the end of the Parole Commission and the gradual phasing out of the Commission, and this was that same legislation that established the United States Sentencing Commission and created and developed the comprehensive sentenc-

ing guidelines for Federal cases. The abolition of the Commission was set for November 1, 1992. But it was the Judicial Improvements Act of 1990 that extended the date, which is the one we are living with now, which is November 1, 1997.

OFFICE CLOSINGS

During 1991, the Commission moved its office in the Northeast and its office in the Southeast into the office here in Chevy Chase, and in October of 1991, we closed the office in California. So we now have a three-region configuration with an office in Dallas, one in Kansas City, and the combined Northeast and Southeast region, which is in the Chevy Chase office with headquarters. With this three-region configuration, we hope to keep and divide the work load according to geography, transportation needs and the monetary parameters that go along with the prison and the parole population.

You would note in our request that we are increasing our work years to convert our contract typists to temporarily limited term employment. During the late 1970s, we began by using a small cadre of contract employees to transcribe hearings, and these were in six different locations at that time. As the Commission phased down, we still had a very large workload, we increased that cadre of contract people, and by mid-1991, there were 41 of these persons onboard.

An examination of this employment practice determined that this contracting arrangement was improper. So the Commission is taking action to convert those personnel to temporary and term appointments; and we will not need funding to do that, because it is in the base. But we do need additional workyears in the 1993 budget.

INTENSIVE SUPERVISION PROGRAM

Before closing, let me comment on the status of the intensive supervision program that the Commission is conducting in Hyattsville and now in Baltimore, Maryland. An evaluation of that Hyattsville project last year by the National Center on Institutions and Alternatives of Alexandria, Virginia concluded that that project should be replicated in another district. As a result of that—that is the Hyattsville project—we have replicated it and began a similar intensive project in Baltimore on December 1st of 1991.

These projects are examining the feasibility of an intensive supervision team to provide intensive supervision to a high risk population that might otherwise be incarcerated. The rate of revocation among this targeted population is fairly high, but we believe that is normal because of the type of clients who are in it and the very close supervision which enables reincarceration if violations do occur.

The evaluation study found that in spite of the higher rates of reincarceration, that the program, and I quote, "is effective in preventing recidivism, and therefore, does not compromise public safety." It was also noted that when the participants in that intensive supervision project committed new crimes, they tended to

commit less serious offenses than other parolees who had received traditional supervision.

And that study, the 1991 study, did recommend the project's continuation and made recommendations for improvements, and the Commission is working to implement those.

That concludes my statement, Mr. Chairman, and I appreciate the opportunity to appear before the subcommittee and present the Parole Commission's budget. Thank you very much for your continued support and interest in the Commission. I would be happy to answer any questions that you have at this time.

[Ms. Getty's biographical sketch and prepared statement follow:]

CAROL PAVILACK GETTY

Carol Pavilack Getty was designated as the Chairman of the U.S. Parole Commission by President Bush in April 1991. Ms. Getty was originally appointed to the Commission by President Reagan in 1983. She served as the North Central Regional Commissioner until her designation as Chairman.

She earned a B.A. Degree in Mathematics from Wellesley College and a Masters Degree in Criminal Justice from Arizona State University. She is currently a doctoral candidate in the Public Administration program at the University of Southern California, Washington Policy Center.

Prior to her appointment to the Commission, Ms. Getty was a Member and Vice Chairman of the Arizona Board of Pardons and Paroles; a mathematics teacher; an engineering aide for the Garret Corporation; and a computer analyst for Motorola.

Throughout her career, Ms. Getty has been active in professional, community and civic affairs. While in Kansas City, Ms. Getty was a sustaining advisor of the Junior League's Crime: Focus on the Victim Committee, a Victim Net Board Member, and she served a three year term on the board of the Women's Chamber of Commerce. She was a member of Soroptimist International of Kansas City and the Platte County Women's Exchange. Additionally, she was Third Vice Chairperson of the Kansas City Federal Executive Board.

Nationally, Chairman Getty is listed in Who's Who of American Women. She is a member of Executive Women in Government, the Association of Paroling Authorities International, and the International Relations Committee of the American Corrections Association. She is an ex officio member of the U.S. Sentencing Commission and serves on the National Committee on Community Corrections and the National Institute of Corrections Advisory Board.

Ms. Getty is married to James J. Getty, an architect. Her son is an attorney with the law firm of Miller and Steuart of Kansas City and Washington D.C., and her daughter is presently in a Masters program in International Studies.

DEPARTMENT OF JUSTICE
STATEMENT OF THE CHAIRMAN, U.S. PAROLE COMMISSION
CAROL PAVILACK GETTY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1993 budget request for the United States Parole Commission.

The 1993 budget request for the Commission is \$9,309,000, 81 permanent positions, and 100 workyears. This represents an increase of one position and 21 workyears and a decrease of \$546,000 from the 1992 appropriation enacted. This request will provide adequate resources to conduct required hearings for over 20,000 inmates in Bureau of Prisons institutions and supervision for 20,000 parolees in the community.

We are requesting a small program increase (1 position, 1 workyear and \$72,000) for the Community Sanctions project that we are developing in conjunction with the Bureau of Prisons and the U.S. Probation Office. This project will monitor and oversee two pilot violator centers for technical violations occurring in the Washington and Baltimore area in 1993. Individuals, who might otherwise be faced with a revocation of their parole and returned to prison for a period generally exceeding a year, will be targeted for sanctions other than returning them to secure custody. In

1990, there were over 1,900 revocation hearings nationwide as a result of technical violations of release, and we believe that we should explore alternatives to reincarceration given the exorbitant costs of housing prisoners, particularly those who pose no real threat to public safety.

Our request also includes a reduction of 10 workyears and \$478,000 that is associated with the orderly phase down of the Commission. As you know, the Comprehensive Crime Control Act of 1984 (Public Law 98-493) mandated the end of the Federal parole system and the gradual phasing out of the U.S. Parole Commission. Under the same legislation, the United States Sentencing Commission was created to develop and issue comprehensive sentencing guidelines for Federal cases. Originally, the abolition of the Commission was scheduled to occur on November 1, 1992, but the Judicial Improvements Act of 1990 extended that date to November 1, 1997.

During 1991, the Commission closed its Northeastern and Southeastern regional offices in Philadelphia and Atlanta and consolidated these two regions into a new Eastern regional office co-located with the Central Office in Chevy Chase, MD. The Western regional office in Belmont, California was closed in October, 1991, and its workload was divided between the two regional offices in Kansas City and Dallas. During February, 1992 the Commission voted to redistribute its workload between the remaining three regions

taking into account geographic, transportation, and monetary parameters.

You will note in our request, that we are increasing our workyears to convert our contract typists to temporary limited term employment. Since the late 1970's, the Commission has used a cadre of contract typists to transcribe hearings. Initially, these contractors were employed on an occasional and intermittent basis; however, over time, they became a normal part of the Commission's staffing, and by mid-1991, there were 41 of these personnel on-board. An examination of this employment practice determined that this contracting arrangement was improper, and the Commission is taking action to convert these personnel to temporary and term appointments. No additional funding is necessary for this purpose since we have funding in our base, but 30 additional workyears will be required in 1993.

Before closing, I would like to comment on the status of the intensive supervision projects that the Commission is conducting in Hyattsville and Baltimore, Maryland. An evaluation of the Hyattsville project last year by the National Center on Institutions and Alternatives concluded that the project should be replicated in another district. As a result, we began a similar project in Baltimore on December 1, 1991. As you know, these projects are examining the feasibility of using a supervision team to provide more intensive supervision of parolees than is normal to

determine whether it is possible to release some higher risk prisoners who might otherwise remain incarcerated. While the rate of revocation among this target population is fairly high, we believe that is normal because of the risk factor and the close supervision which ensures reincarceration if violations occur. The evaluation study found that in spite of the higher rate of reincarceration, the program "...is effective in preventing recidivism and, therefore, does not compromise public safety." It was also noted that when participants in the Intensive Supervision Project do commit new crimes, they tend to commit offenses of a less serious nature than parolees who receive conventional supervision. The study recommended the project's continuation and made several recommendations for improvements that the Commission is working to implement.

This concludes my statement, Mr. Chairman. I appreciate this opportunity to appear before the Subcommittee and present the Parole Commission's budget. I want to acknowledge the support of the Members of the Subcommittee for the Commission's program and thank each of you for your interest. I will be pleased to answer any questions at this time.

CONVERTING STATUS OF CONTRACT EMPLOYEES

Mr. EARLY. Ms. Getty, this Member was extremely impressed with your predecessor, Mr. Benjamin Baer, who I think did an outstanding job in public service. I was concerned when you discussed the 41 contract employees. Are you protecting those employees when you eliminate the contract positions? Have these individuals been with the Commission for awhile?

Ms. GETTY. No. That is really not true. Some of them had, and some of them had not. When we moved the offices from Atlanta and Philadelphia to here, only the professional staff moved; and the contractual people who had been in Atlanta and Philly didn't move. But we needed to rehire, and we rehired contractual people, and they were, in fact, support staff who were new employees.

But what we are doing is simply converting those new ones, plus the old ones that we had in Dallas and Kansas City, who have been with us for some period of time, to these temporary, not-to-exceed positions.

COMMISSION VACANCIES

Mr. EARLY. Now, your statement discussed quite a bit of the workload you have ahead of you. How many vacancies do you have on the Commission?

Ms. GETTY. Commissioners? There are nine slots. There are four Commissioners now. The President has nominated a Commissioner and a Chairman, but they have not been confirmed by the Senate. So there are, as you would say, two in the pipeline. That would give us a complement of six, which I think, because of the closures of some of the regions, is a reasonable situation with the downsizing that is going on.

Mr. EARLY. Don't you need at least six commissioners when you have to cast votes?

Ms. GETTY. Well, it is really a majority rules situation, so three votes out of four are required for approval of Commission business. But it, of course, it is a very difficult situation. Some of us, I am one of them, have two jobs. I mean, I have the job here, plus my former job in Kansas City. So each of my colleagues are doing really double duty.

Mr. EARLY. Where do you spend the majority of your time?

Ms. GETTY. Here.

PHASE-OUT PLANS

Mr. EARLY. Now, as a result of the Judicial Improvement Act of 1990, the life of the Commission has been extended from 1992 to 1997. What are your current plans to phase out the Commission between now and 1997?

Ms. GETTY. Well, I think we are going to let the work load generate that, in some sense. I would not want to close another region for a couple of years. We, I think, did that a little prematurely. We expected the work load to drop a little bit more than it did, and it hasn't dropped, and we are still visiting Mr. Quinlan's 68 institutions, which, of course, increases our travel budget and the time needed for each case and so on.

So I really would not anticipate closing a region until perhaps 1995 or so, and then I would close either Kansas City or Dallas.

Mr. EARLY. What has been the consequences of closing the Northeast Region office? Wasn't that in Philadelphia?

Ms. GETTY. Yes, it was, sir. Well, not so much Philadelphia, but certainly in Atlanta we increased the travel time and the costs of travel, because we are coming from here. When we made those moves, we lost a lot of staff. I mean, the professional staff moved. But the paratechnical staff did not move. And those were people who had been with the Commission for a long time. They were the experienced support staff, and we did lose them, so we had to hire new people and actually train them. And you know, it takes almost two new ones to sort of make up for what one older, experienced staff person was able to do. So the closures, I think, had some very serious consequences for the Commission.

Mr. EARLY. Certainly with respect to your Commission.

Ms. GETTY. Yes. We are phasing down, of course, and the number of initial hearings is continuing to decrease, as most of the new sentences are made under new law. So we are having very few initial hearings. But the population that is in the prison now that belongs to us are the bad guys, really, the hardened convicts. So as they come out, of course, you would think their revocation rates might be higher and so on, because these are people who have been in for a very long time. So we are finding that our revocation rates are increasing while our initial hearings are decreasing.

So it is kind of going like this. The probation service has a supervision program where they are really concentrating on close supervision, and, of course, the more they supervise, the more they catch parolees or mandatory releasees doing something wrong. So we react to that. I mean we don't go out and seek these clients, but they come to us based on what the probation service is doing in their supervision.

COMMUNITY SANCTIONS PROJECT

Mr. EARLY. Now, you discussed in your comments the Community Sanctions Project that you are proposing in 1993. What types of sanctions are you proposing under this project in lieu of returning violators to prison?

Ms. GETTY. When a parolee, mandatory releasee is in the community and they, for instance, begin to use drugs, you might try putting them in a drug program, perhaps even an in-patient drug program before going to a warrant to put them back in. What we are proposing here is a last-ditch effort for someone before we send them to prison. We house them in this Technical Violation Sanctions Center, use an intensive supervision program with the Bureau and a probation officer on-site, living in the sanctions center. And we try to sort out a whole concept to see if—mostly these are drug users—to see if we can't get them off the drugs and into programs, or life skills, as Mr. Quinlan was talking about. We try to see if we can't do something with that person. Because once we put him back in prison, he is there for perhaps another year; and unless the drug problem is solved, he is going to come out and recidivate again.

So we are going to try this intensive program here in Baltimore and D.C. to see if this last step will help. And if it does, it would be our hope to replicate this in other parts of the country.

Mr. EARLY. If this proves successful, what agency will implement it?

Ms. GETTY. Well, I would assume that it would end up with—right now it is the Bureau of Prisons and the Probation Service, and the Parole Commission is involved because it is our parolees. But if we were out of the picture and it worked, there isn't any reason why the Probation Service and the Bureau of Prisons couldn't continue it for supervised releases. We do not have to be a component. It just happens to be that we developed it, and it is our clientele who are going into it. But that doesn't have to be.

CONVERSION OF CONTRACT TYPISTS

Mr. EARLY. Now you propose, as I already mentioned, to convert your contract typists to temporary employees based on a determination that this extended contract arrangement was an improper personnel practice. Who determined that it was an improper practice, you, the Department, or OMB?

Ms. GETTY. The Department of Justice.

Mr. EARLY. You said that no additional funding is needed for this conversion. Does that mean that it will not cost any more or that you will absorb additional costs within your total appropriations?

Ms. GETTY. Yes, That is correct.

Mr. EARLY. You will absorb the cost?

Ms. GETTY. We had money for the contract employees, so we still have the money for the not-to-exceeds. And basically, there might be a few extra costs because of benefits, but we will absorb that.

Mr. EARLY. For the record, provide a comparison of the cost to contract for the 30 typists with the full cost to the government of 30 full-time temporary typing positions.

Ms. GETTY. Yes, sir.

[The information follows:]

COST COMPARISON OF CONTRACT AND TEMPORARY EMPLOYEES

Currently, the Commission has hired 32 employees for temporary clerical/typing positions at grades ranging from GS-4 to GS-7. The annualized cost of salary and benefits at 1992 pay rates for these employees is \$697,029. The annualized cost for 32 contract typists at an average hourly pay of \$10.36 was \$691,882. If the Commission had elected to contract for these services through an approved vendor, the Justice Management Division estimated the cost would be increased by approximately 75 percent to about \$1,210,794.

HYATTSVILLE PROJECT

Mr. EARLY. On the Hyattsville project, are you monitoring that closely?

Ms. GETTY. Yes, we are.

Mr. EARLY. You say that there is increased recidivism, but you think it is working?

Ms. GETTY. I very much do think it is working, and by the increased recidivism I meant as compared to the national average. But you have to understand we are putting very poor risk offenders into it.

Mr. EARLY. That is the beauty of it.

Ms. GETTY. These are not the choir boys that are in it. These are what we would call the very poor risk offenders. And, of course, when they are well supervised, then it is easier to catch them.

You know, if you don't supervise somebody, then, of course, you don't know they are doing any wrong. So I think this intensive supervision allows us to catch them right away, and I don't think the public is at risk. I think it is a very effective program.

NOMINATION OF NEW COMMISSIONERS

Mr. EARLY. Do you have any information from the Administration as to whether the President intends to fill the Commission vacancies?

Ms. GETTY. I don't believe he intends to fill the others. In talking to presidential personnel, after Ben Baer's demise, it was indicated that they were going to fill two more slots.

Mr. EARLY. You say they have two names before the Senate now?

Ms. GETTY. I believe they are still in the White House. I don't think they have been given to the Senate yet. But they are nominated, that is correct.

Mr. EARLY. I certainly hope they do go forward with them, because I still see a big role for the Parole Commission prior to 1997.

Ms. GETTY. Thank you. I would tell you that we are a very busy agency with a very small staff. We do an awful lot of work.

Mr. EARLY. Who are your other remaining commissioners?

Ms. GETTY. There is Vice Chairman Jasper Clay from Maryland; Commissioner Victor Reyes, who is the commissioner in Dallas; and Commissioner Vince Fachtel, who is from Florida, who is on the National Appeals Board.

And at the moment, the vacancy in the Commission is in my old region, which is the North Central region in Kansas City, as well as this newly created Eastern region.

Mr. EARLY. What is the morale of the Commission right now?

Ms. GETTY. I think there was a lot of frustration because of the move, and so many new employees to train. I would think there was a lot of frustration. When we moved those two regions in here, we had to set up a new file room, get new space, bring new staff, and all of this followed right after Ben Baer's death. So I would say that it was a fairly chaotic time period.

But I would think now that it is fairly upbeat. I think people are very busy and are feeling fairly positive about what it is that we are doing.

Mr. EARLY. Well, I want to thank you for your testimony and wish you well. You have a very difficult job.

Ms. GETTY. Thank you.

Mr. EARLY. With that, we will recess until 2:00 o'clock.

THURSDAY, MARCH 12, 1992.

DRUG ENFORCEMENT ADMINISTRATION

WITNESSES

ROBERT C. BONNER, ADMINISTRATOR

DONALD P. QUINN, ASSISTANT ADMINISTRATOR FOR OPERATIONAL SUPPORT

RICHARD KAY, CONTROLLER

MARILYNN B. ATSATT, BUDGET OFFICER

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

DRUG ENFORCEMENT ADMINISTRATION 1993 REQUEST

Mr. SMITH of Iowa. Continuing with our review of the Department of Justice, we will now hear testimony from the Drug Enforcement Administration. The DEA requests \$771,468,000 for fiscal year 1993. We will insert in the record at this point the DEA fiscal year 1993 budget justification.

[The information follows:]

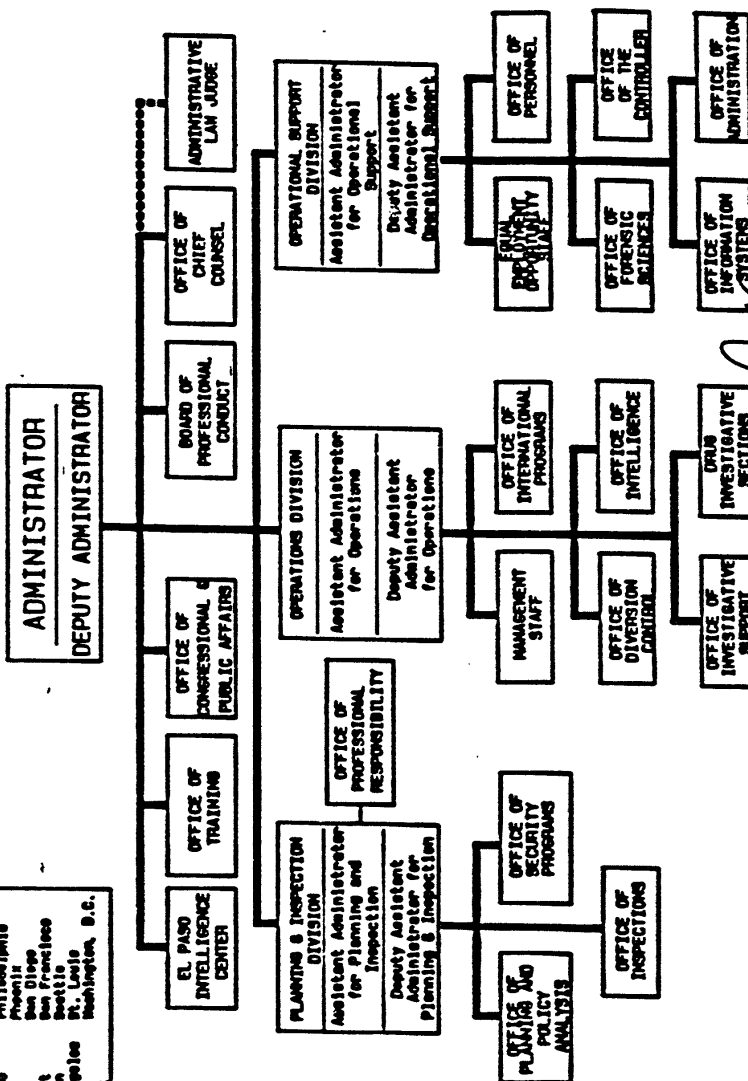
(803)

Department of Justice
Drug Enforcement Administration
Estimates for Fiscal Year 1992
Table of Contents

| <u>Item</u> | <u>Page Number</u> |
|---|------------------------|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language | 5 |
| Crosswalk of 1991 Changes | 6 |
| Summary of Requirements | 7 |
| Summary of Resources by Program | 8 |
| Justification of Program and Performance: | |
| Domestic Enforcement | 9 |
| Special Enforcement Operations and Programs | 12 |
| Foreign Cooperative Investigations | 17 |
| Diversion Control | 19 |
| State and Local Task Forces | 21 |
| Intelligence | 24 |
| Laboratory Services | 27 |
| Training | 29 |
| Research, Engineering, and Technical Operations | 31 |
| ADP | 34 |
| Executive Direction and Control | 37 |
| Administrative Services | 42 |
| Financial Analysis - Program Changes | 45 |
| Status of Congressionally Requested Studies | 46 |
| Priority Rankings | 47 |
| Detail of Permanent Positions by Category | 48 |
| Summary of Change | 49 |
| Justification of Adjustments to Base | 50 |
| Summary of Requirements by Grade and Object Class | 53 |
| Status of Construction and Summary of New Facilities Requirements | 55 |
| Schedule of Motor Vehicles | 56 |
| Schedule of Aircraft | 57 |

DRUG ENFORCEMENT ADMINISTRATION

DIVISIONAL FIELD OFFICES
 Atlanta
 Baltimore
 Boston
 Chicago
 Dallas
 Denver
 El Paso
 Houston
 Los Angeles
 Miami
 New York
 Philadelphia
 Phoenix
 San Diego
 San Francisco
 Seattle
 St. Louis
 Washington, D.C.
 Wichita



Date 01-26-97

Approved: *[Signature]*
 DICK THOMPSON
 Attorney General

Drug Enforcement Administration
SUMMARY STATEMENT
Fiscal Year 1993

The Drug Enforcement Administration (DEA) requests 6,307 positions (2,909 Special Agents), 6,179 workyears, and \$788,268,000. This request includes an advance appropriation of \$16,800,000 from the Asset Forfeiture Capital Surplus and the Special Forfeiture funds. This includes program enhancements of 115 positions (93 Special Agents), 30 workyears, and \$15,156,000. DEA is also requesting 1,098 positions (862 Special Agents), 1,042 workyears, and \$103,470,000 as part of the 1993 consolidated Organized Crime Drug Enforcement (OCDE) budget request, which includes a net increase of 59 positions (47 Special Agents), 15 workyears, and \$4,195,000. OCDE resources are contained in the Department of Justice Interagency Law Enforcement appropriation and will be allocated to DEA on a reimbursable basis. DEA's total direct and reimbursable appropriation will total 7,535 positions (5,795 Special Agents) and \$891,738,000.

By comparison, in 1991, DEA seized assets in excess of \$960 million. DEA also levied fines and seizures as part of its regulatory function totaling \$14.7 million. Finally, DEA's Registrant Program collects, on the average, \$15 million in receipts from practitioners, manufacturers, and distributors in 1991.

The Global Trafficking Situation and the Successes of the Drug Effort

The United States and the international community are making marked gains in suppressing the cultivation and distribution of illicit drugs worldwide. Examples of recent successes include:

- o A worldwide increase in the seizure of illicit drugs with both Mexico and Colombia setting new records for cocaine and marijuana seizures in 1991.
- o Increased enforcement success against the Cali Cartel with a single seizure of 12 tons of cocaine in concrete posts in Florida, the arrest of over 40 Cali operatives in New York (crippling a \$600 million a year cocaine distribution chain), and raids by the Colombian National Police on Cali banking interests in Colombia.
- o Major seizures of heroin off the coast of Thailand and California totalling of well over 900 kilograms.
- o A significant drop in the amount of chemicals essential to illicit drug production.
- o The arrest of high-level traffickers worldwide, including the incarceration of Pablo Escobar in Colombia, the arrest of Dandenny Munoz in New York City, and the indictment and trial of Manuel Noriega in Miami.

All these factors point to an illicit drug trafficking industry facing stiff competition--not from industry competitors but from international drug law enforcement led by the DEA. Yet while these efforts have shaken, and indeed hurt, trafficking organizations, the drug scourge remains a frightening component of our everyday lives. Cocaine, crack cocaine, heroin, marijuana, and other illicit drugs are still far too readily available on the streets of America. The repercussions of domestic drug trafficking, not to mention the high social costs of drug abuse, continue to strain the very fabric of our society. This is nowhere more obvious than when considering the decade-long increase of drug-related homicides, which soared by 280 percent between the years 1980 and 1989. On average, 67 percent of these murders were committed by children 18 years of age or younger.

Enthusiasm over initial accomplishments in curbing the supply of illicit drugs must be tempered by the realization that much more remains to be accomplished. The goal set forward in the President's National Drug Control Strategy is not simply to stop the proliferation of drugs, but rather to reduce the availability of illicit drugs, and more specifically, to slash the amount of illicit drugs entering the United States by 50 percent by the close of the century.

Worldwide Efforts Must Continue

DEA and the law enforcement community must continue to mount intense pressure on specific drug trafficking organizations and operations. Only by targeting the leaders, structures, and illicit monies of these groups, from all available fronts, with all available resources, can DEA hope to destroy the trafficking organizations and thus significantly reduce the supply of illicit drugs.

This effort should not, indeed cannot, be pursued by the United States alone. Drug abuse is not the bane of any one country, but the problem of all. The President's Andean Strategy provides a foundation from which to build cooperation, not only in the Andean region but worldwide. This strategy mandates DEA to assist foreign countries in developing and maintaining an institutional will to attack illicit drug trafficking networks; to establish and maintain air, ground, riverine, and coca containment (law enforcement capability); to strike at trafficking organizations and their assets through concentrated investigations aimed at kingpins, precursor chemicals, and money laundering operations; and to provide the financial assistance necessary to allow foreign countries to better cope with the economic dislocations associated with the loss of drug related income.

Drug abuse indicators may have peaked in the United States, but use is increasing at an alarming rate in many other nations. Efforts to reduce the worldwide availability of illicit drugs must be borne by the world community. The key is for all nations to work together, to engage their combined resources, to defeat the drug trade and the drug traffickers. Only a comprehensive, cooperative, international effort will succeed in meeting the goal of reducing the worldwide supply of illicit drugs. DEA's mission is to lead this cooperative effort.

The sheer breadth of DEA's domestic and international mission requires the agency to deploy its scarce manpower to confront major trafficking groups, and identify patterns and trends. DEA must anticipate the often sudden evolution of trafficking trends. The need to be ever responsive to existing and new challenges posed by trafficking groups means DEA must have available manpower and other assets poised to act--and to react promptly.

DEA's Request for 1993 Enhancements

ENFORCEMENT OPERATIONS

Request: 93 positions (75 Special Agents), 24 workyears, and \$15,259,000.

No drug trafficking enterprise is invincible. A primary strategy of DEA will be to identify and exploit trafficker vulnerabilities and to destroy their organizations. DEA's strategy and plans are formulated around major drug categories, with each field division and country office playing a major role. To varying degrees, all four areas of drug operations--production, transit, domestic distribution, and laundering proceeds--exist both overseas and in the United States and must be targeted.

The specific enhancements within this request include resources to establish Andean support teams in South and Central America and State and local task forces within select domestic cities. This initiative also includes funding to establish an ADP maintenance base for DEA's EPIC Improvement Project.

AVIATION SUPPORT

Request: 22 positions (18 Special Agents), 6 workyears, and \$1,963,000.

Aviation support can be the key to success of an enforcement mission; likewise, the lack of support can be the cause of its failure. Providing a qualified crew for each mission that requires aviation support is difficult with limited resources. DEA's aviation program consists of approximately 110 aircraft and 106 pilots located in 36 cities. A total of 15 pilots occupy management or administrative positions and do not usually fly in support of enforcement operations, leaving 91 pilots to fly support missions. This represents a ratio of less than one pilot for each aircraft.

The positions included in this request represent the first year of a multi-year plan to reach a ratio of 1.5 pilots per aircraft or a total of 70 additional pilots. By reaching this ratio DEA will achieve better utilization of its aircraft resources.

Conclusion

The challenge America faces from illegal drugs is not an insurmountable one. To the contrary, recent intelligence indicates that we are having an impact. But, as a society, we must sustain our efforts. For DEA, this means applying our resources, capabilities, and the talents of a dedicated group of men and women in way that integrate Federal, State, and local law enforcement assets into a powerful force against vicious and wily adversaries. The drug threat will never wholly disappear, but it can be substantially reduced.

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates includes proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Salaries and Expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs; and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed \$1,054,196 ~~passenger motor vehicles of which \$750,000 are for replacement only for police use without regard to~~ the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; (19740,607,000), of which not to exceed \$1,800,000 for research, and of which not to exceed (\$1,500,000 for an ABE study for a Washington, D.C. area laboratory), shall remain available until expended; and of which not to exceed \$4,000,000 for purchase of evidence and payments of information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, and not exceed \$2,000,000 for technical and laboratory equipment, shall be available until September 30, 1993; and of which not to exceed \$4,000,000 shall remain available until expended for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility) ~~and not to exceed \$45,000 shall be available~~ for office reception and representation expenses.

(Reorganization Plan No. 2 of 1973; Reorganization Plan No. 1 of 1968; 21 U.S.C. 801-946 as amended; 40 U.S.C. 305; Department of Justice Appropriations Act, 1992; additional authorizing legislation to be proposed.)

Explanation of Changes

1. The first change reflects the authorization to purchase 1,336 passenger motor vehicles including 1,196 replacement passenger motor vehicles and 140 new vehicles for 93 new Special Agents, 47 ODE Special Agents.
2. The second change reflects the authorization to purchase 1,196 replacement vehicles.
3. The third change authorizes the expenditure of \$1,400,000 for an ABE study for the expansion of EPIC.
4. The fourth change reflects authorization to purchase \$10,300,000 for aircraft and equipment.
5. The fifth change deletes funding for the new aviation facility.

**Drug Enforcement Administration
Salaries and expenses
Crosswalk of 1992 Changes
(Dollars in thousands)**

| Activity/Program | 1992 President's Budget Request | | | | Congressional Appropriation Actions on | | | | Adjustments in Permanent Positions and Workyears | | | | Reprogramming | | | | 1992 Appropriation Anticipated | | | |
|--|------------------------------------|-------|-----------|-------|--|----------|------|------|--|----|--|------|---------------|----|--|----------|-----------------------------------|-------|-----------|------|
| | Pos. | | WY | | Pos. | WY | | Amt. | Pos. | WY | | Amt. | Pos. | WY | | Amt. | Pos. | WY | | Amt. |
| | | | | | | | | | | | | | | | | | | | | |
| 1. Enforcement of federal laws and investigations | | | | | | | | | | | | | | | | | | | | |
| Domestic enforcement | 2,071 | 2,015 | \$213,889 | (25) | (13) | (84,637) | (28) | | | | | | | | | \$18,881 | 2,018 | 1,974 | \$228,233 | |
| SEO&P | 350 | 571 | 76,766 | (10) | (6) | (2,982) | | | | | | | | | | 405 | 540 | 566 | 74,189 | |
| Foreign cooperative investigations | 321 | 295 | 57,602 | (14) | (7) | (3,428) | | | | | | | | | | 4,055 | 307 | 288 | 58,229 | |
| Division control | 624 | 596 | 43,962 | (36) | (18) | (4,306) | | | | | | | | | | 15 | 588 | 578 | 39,671 | |
| State and local task forces | 478 | 440 | 55,120 | | | (577) | | | | | | | | | | (3,318) | 478 | 440 | 51,227 | |
| Subtotal | 4,044 | 3,917 | 447,439 | (85) | (43) | (15,930) | (28) | | | | | | | | | 20,040 | 3,931 | 3,846 | 451,549 | |
| 2. Investigative support | | | | | | | | | | | | | | | | | | | | |
| Intelligence | 675 | 672 | 45,311 | | | (709) | | | | | | | | | | (1,439) | 675 | 672 | 43,163 | |
| Laboratory services | 316 | 306 | 23,251 | (19) | (10) | (2,375) | | | | | | | | | | (489) | 322 | 321 | 20,407 | |
| Training | 88 | 87 | 21,657 | | | (144) | | | | | | | | | | 5,677 | 118 | 116 | 27,190 | |
| R&E and technical operations | 366 | 357 | 74,127 | (8) | (4) | (2,255) | | | | | | | | | | (2,508) | 359 | 353 | 68,984 | |
| ADP & telecommunications | 132 | 117 | 59,827 | (11) | (5) | (4,395) | | | | | | | | | | (11,976) | 121 | 112 | 43,456 | |
| Records management | 70 | 66 | 9,663 | | | | | | | | | | | | | (9,663) | | | | |
| Subtotal | 1,647 | 1,605 | 233,836 | (36) | (19) | (9,876) | | | | | | | | | | (20,776) | 1,594 | 1,574 | 203,180 | |
| 3. State & local assistance | | | | | | | | | | | | | | | | | | | | |
| State & local training | 30 | 29 | 4,161 | | | | | | | | | | | | | (4,161) | | | | |
| State & local laboratory | 25 | 25 | 2,379 | | | | | | | | | | | | | (2,379) | | | | |
| Subtotal | 55 | 54 | 6,540 | | | | | | | | | | | | | (6,540) | | | | |
| 4. Program direction | | | | | | | | | | | | | | | | | | | | |
| Executive direction & control | 396 | 388 | 35,703 | | | (420) | | | | | | | | | | 663 | 396 | 388 | 35,946 | |
| Administrative services | 217 | 211 | 24,439 | | | (5,076) | | | | | | | | | | 6,615 | 287 | 277 | 25,978 | |
| Subtotal | 613 | 599 | 60,142 | | | (9,496) | | | | | | | | | | 7,278 | 683 | 665 | 61,924 | |
| Total | 6,359 | 6,175 | 747,957 | (123) | (62) | (31,304) | (28) | | | | | | | | | | 6,208 | 6,085 | 716,653 | |

Restructure: During 1991, DEA received approval to restructure the budget request by combining the DEA and State & Local Training and Laboratory Services programs into single Training and Laboratory Services programs, and consolidating the Records management program into the Administrative Services program.

Reprogramming: This column represents the net effect in 1992 of two reprogrammings submitted by DEA in 1991.

Drug Enforcement Administration
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

| Adjustments to base: | Perm. Pos. | Work- Years | Amount |
|---|---------------|----------------|-----------|
| 1992 Appropriation Anticipated | 6,208 | 6,085 | \$716,653 |
| Transfer from the Special Forfeiture Fund | | | 4,000 |
| Advance appropriation from the Assets Forfeiture Fund Capital Surplus | | | 12,800 |
| Mandatory increases | | 80 | 50,967 |
| Decreases: | | | |
| Automatic non-policy | (16) | (16) | (11,608) |
| 1993 base | 6,192 | 6,149 | 772,812 |

| Estimates by budget activity | 1992 Appropriation Anticipated | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|------------------------------|--------------------------------|-------|-----------|---------------|-------|-----------|---------------|-------|-----------|-------------------|----|----------|
| | Perm. Pos. | WY | Amount | Perm. Pos. | WY | Amount | Perm. Pos. | WY | Amount | Perm. Pos. | WY | Amount |
| 1. Enforcement | 3,931 | 3,846 | \$451,549 | 3,915 | 3,910 | \$477,280 | 4,008 | 3,934 | \$491,539 | 93 | 24 | \$14,259 |
| 2. Investigative support | 1,594 | 1,574 | 203,180 | 1,594 | 1,574 | 227,212 | 1,616 | 1,580 | 228,409 | 22 | 6 | 1,197 |
| 3. Program direction | 683 | 665 | 61,924 | 683 | 665 | 68,320 | 683 | 665 | 68,320 | 0 | 0 | 0 |
| Total | 6,208 | 6,085 | 716,653 | 6,192 | 6,149 | 772,812 | 6,307 | 6,179 | 788,268 | 115 | 30 | 15,456 |

| EOY Employment: | 1992 | | | 1993 | | | 1993 | | | Total | | |
|---------------------|---------|--------|-------|---------|--------|-------|---------|--------|-------|---------|--------|-------|
| | Approp. | Reimb. | Total | Approp. | Reimb. | Total | Approp. | Reimb. | Total | Approp. | Reimb. | Total |
| Full-time permanent | 6,128 | 1,070 | 7,198 | 6,112 | 1,069 | 7,181 | 6,227 | 1,128 | 7,355 | 115 | 59 | 174 |
| Other | 80 | 80 | 160 | 80 | 80 | 160 | 80 | 80 | 160 | 80 | 80 | 160 |
| | 6,208 | 1,070 | 7,278 | 6,192 | 1,069 | 7,261 | 6,307 | 1,128 | 7,435 | 115 | 59 | 174 |

Drug Enforcement Administration
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

| Estimates by Program | 1991 as Enacted | | | 1991 Actual | | | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--|-----------------|-------|-----------|-------------|-------|-----------|--------------------|---------|-----------|-----------|-------|-----------|---------------|-------|-----------|-------------------|-------|---------|
| | Pos | WY | Amount | Pos | WY | Amount | Pos | WY | Amount | Pos | WY | Amount | Pos | WY | Amount | Pos | WY | Amount |
| 1 Enforcement | | | | | | | | | | | | | | | | | | |
| Domestic enforcement | 1,956 | 1,781 | \$186,966 | 1,956 | 1,822 | \$183,437 | 2,018 | 1,974 | \$226,233 | 2,002 | 2,003 | \$241,466 | 2,002 | 2,003 | \$241,466 | | | |
| SEC&P | 540 | 548 | 69,441 | 540 | 578 | 66,078 | 540 | 566 | 74,189 | 540 | 566 | 77,903 | 606 | 593 | 83,766 | 66 | 17 | \$5,665 |
| Foreign coop invest | 307 | 277 | 56,015 | 307 | 311 | 55,004 | 307 | 298 | 56,229 | 307 | 298 | 61,182 | 307 | 286 | 61,192 | | | |
| Diversion control | 508 | 560 | 36,325 | 508 | 563 | 38,501 | 508 | 578 | 39,871 | 508 | 578 | 43,051 | 508 | 578 | 43,051 | | | |
| State & local task forces | 408 | 342 | 39,524 | 408 | 328 | 38,708 | 478 | 440 | 51,227 | 478 | 475 | 53,668 | 505 | 492 | 62,062 | 27 | 7 | 8,394 |
| | 3,789 | 3,528 | 387,291 | 3,789 | 3,600 | 383,726 | 3,831 | 3,846 | 451,549 | 3,815 | 3,910 | 477,260 | 4,008 | 3,934 | 491,539 | 83 | 24 | 14,259 |
| 2 Investigative support | | | | | | | | | | | | | | | | | | |
| Intelligence | 675 | 630 | 37,857 | 675 | 416 | 32,944 | 675 | 672 | 43,163 | 675 | 672 | 48,488 | 675 | 672 | 48,488 | | | |
| Laboratory services | 322 | 302 | 16,122 | 322 | 237 | 20,466 | 322 | 321 | 20,407 | 322 | 321 | 22,266 | 322 | 321 | 22,266 | | | |
| Training | 118 | 105 | 28,901 | 118 | 87 | 21,938 | 118 | 116 | 27,190 | 118 | 116 | 28,331 | 118 | 116 | 28,331 | | | |
| Research, engineering and technical operations | 358 | 342 | 100,199 | 358 | 319 | 108,633 | 358 | 353 | 66,864 | 358 | 353 | 83,980 | 380 | 359 | 84,177 | 22 | 6 | 197 |
| ADP | 121 | 108 | 50,302 | 121 | 112 | 56,201 | 121 | 112 | 43,456 | 121 | 112 | 44,119 | 121 | 112 | 45,119 | | | 1,000 |
| | 1,594 | 1,487 | 235,381 | 1,594 | 1,171 | 242,164 | 1,594 | 1,574 | 203,180 | 1,594 | 1,574 | 227,212 | 1,616 | 1,590 | 228,408 | 22 | 6 | 1,197 |
| 3 Program Direction | | | | | | | | | | | | | | | | | | |
| Executive direction and control | 398 | 380 | 35,248 | 398 | 391 | 33,946 | 398 | 396 | 35,946 | 398 | 396 | 36,562 | 398 | 396 | 36,562 | | | |
| Administrative services | 287 | 277 | 36,411 | 287 | 291 | 32,483 | 287 | 277 | 25,978 | 287 | 277 | 29,758 | 287 | 277 | 29,758 | | | |
| | 683 | 657 | 71,659 | 683 | 682 | 66,469 | 683 | 665 | 61,924 | 683 | 665 | 66,320 | 683 | 665 | 66,320 | | | |
| Total | 6,078 | 5,672 | 694,331 | 6,076 | 5,453 | 692,379 | 6,208 | 6,085 | 716,653 | 6,192 | 6,149 | 772,812 | 6,307 | 6,179 | 788,268 | 115 | 30 | 15,456 |
| Reimbursable work years | | 925 | | | 925 | | | 1,026 * | | | | | | | | | 15 | |
| Total work years | | 6,597 | | | 6,378 | | | 7,111 | | | | | | | | | 45 | |
| Other Work years | | | | | | | | | | | | | | | | | | |
| Holiday | 00 | | | | 80 | | | 89 | | | | | | | | | 91 | |
| Overtime | | | | | | | | | | | | | | | | | | |
| AUC | 753 | | | | 753 | | | 818 | | | | | | | | | 837 | 7 |
| Other | 46 | | | | 46 | | | 51 | | | | | | | | | 52 | |
| Total compensable work years | 7,476 | | | | 7,257 | | | 8,069 | | | | | | | | | 8,228 | 52 |

DEA has reduced its reimbursable work years by one to offset the costs of unfunded mandates.

| Activity | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|-------------------------------|--------------------|-------|-----------|-----------|-------|-----------|---------------|-------|-----------|-------------------|-----|---------|
| | Anticipated | | | | | | | | | | | |
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Domestic Enforcement..... | 2,018 | 1,974 | \$228,233 | 2,002 | 2,003 | \$241,446 | 2,002 | 2,003 | \$241,446 | ... | ... | ... |
| Special Enforcement..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Operations/Programs..... | 540 | 566 | 74,189 | 540 | 566 | 77,903 | 606 | 503 | 83,768 | 66 | 17 | \$5,865 |
| Foreign Cooperative..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Investigations..... | 307 | 288 | 58,229 | 307 | 288 | 61,192 | 307 | 288 | 61,192 | ... | ... | ... |
| Diversion Control..... | 588 | 578 | 39,671 | 588 | 578 | 43,051 | 588 | 578 | 43,051 | ... | ... | ... |
| State & Local Task Forces.... | 478 | 440 | 51,227 | 478 | 472 | 53,668 | 502 | 482 | 62,062 | 22 | 7 | \$8,394 |
| Total..... | 3,931 | 3,846 | 451,549 | 3,915 | 3,910 | 477,280 | 4,008 | 3,934 | 491,539 | 93 | 24 | 14,259 |

| Activity | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---------------------------|--------------------|-------|-----------|-----------|-------|-----------|---------------|-------|-----------|-------------------|-----|--------|
| | Anticipated | | | | | | | | | | | |
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Domestic Enforcement..... | 2,018 | 1,954 | \$228,233 | 2,002 | 2,003 | \$241,446 | 2,002 | 2,003 | \$241,446 | ... | ... | ... |

Long Range Goal: Reduce the domestic supply of illicit drugs and disrupt permanently or eliminate the organizations trafficking those drugs.

Major Objectives:

Investigate, arrest, and contribute to the successful prosecution of major drug violators throughout the United States.

Identify and seize drug evidence and non-drug assets used in, or derived from, the proceeds of the drug trafficking activities of individuals and organizations involved in the illegal drug trade.

Reduce domestic production and cultivation of illicit drugs.

Assist Federal, State and local law enforcement agencies involved in the fight against illegal drug production, cultivation, and trafficking.

Base Program Description: The Domestic Enforcement Program includes the enforcement operation of DEA's 19 field divisions and the DEA Headquarters program coordinators. The program uses a variety of investigative tools, including confidential informants, undercover operations, and electronic surveillance, to identify and penetrate drug trafficking organizations that operate nationally and internationally. Domestic Enforcement investigations also involve obtaining and using information from intelligence sources and receiving referrals from other Federal, State, and local law enforcement organizations. The program's financial investigations which involve DEA's Asset Removal Teams identify and trace assets subject to seizure and forfeiture, and lead to the destruction of the economic bases of drug trafficking enterprises.

Accomplishments and Workload: Accomplishments and Workload for the Domestic Enforcement Program, including the Organized Crime Drug Enforcement Task Force (OCDEF) Program, are presented below.

| | Domestic Enforcement | | | | Change | 1993 Budget |
|--|----------------------|-----------------|------------------|------------------|--------|----------------|
| | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Estimate | | |
| Investigative Workhours by Case Class | | | | | | |
| Class I | 1,276,637 | 1,229,969 | 1,348,845 | 1,387,055 | ... | 1,387,055 |
| Class II | 345,530 | 509,463 | 558,702 | 574,529 | ... | 574,529 |
| Class III | 211,848 | 329,449 | 361,290 | 371,525 | ... | 371,525 |
| Class IV | 18,169 | 58,992 | 53,727 | 55,249 | ... | 55,249 |
| Subtotal | 1,872,184 | 2,117,873 | 2,322,564 | 2,388,358 | ... | 2,388,358 |
| General File Workhours | 385,458 | 489,487 | 536,796 | 552,002 | ... | 552,002 |
| TOTAL | 2,257,642 | 2,607,360 | 2,859,360 | 2,940,360 | ... | 2,940,360 |
| Arrests by Case Class | | | | | | |
| Class I | 3,681 | 4,200 | 4,606 | 4,736 | ... | 4,736 |
| Class II | 2,088 | 2,349 | 2,576 | 2,649 | ... | 2,649 |
| Class III | 2,011 | 1,933 | 2,142 | 2,202 | ... | 2,202 |
| Class IV | 370 | 333 | 387 | 398 | ... | 398 |
| Subtotal | 8,150 | 8,855 | 9,711 | 9,985 | ... | 9,985 |
| Federal Referral Arrests | 1,159 | 975 | 1,069 | 1,100 | ... | 1,100 |
| DEA Cooperative Arrests | 3,741 | 3,692 | 3,923 | 4,065 | ... | 4,065 |
| TOTAL | 13,050 | 13,435 | 14,733 | 15,150 | ... | 15,150 |
| Convictions | | | | | | |
| Federal Court | 6,472 | 6,407 | 7,026 | 7,225 | ... | 7,225 |
| State Court | 2,468 | 2,524 | 2,768 | 2,846 | ... | 2,846 |
| Unknown | 43 | 35 | ... | ... | ... | ... |
| TOTAL | 8,983 | 8,966 | 9,794 | 10,071 | ... | 10,071 |
| Drugs Removed | | | | | | |
| Heroin (kilo) | 473 | 933 | 1,023 | 1,252 | ... | 1,252 |
| Cocaine (kilo) | 58,186 | 39,246 | 43,039 | 44,238 | ... | 44,238 |
| Cannabis (kilo) | 108,006 | 73,534 | 80,641 | 88,925 | ... | 88,925 |
| Drug. Drugs (000 D.U.) | 112,368 | 11,143 | 12,220 | 12,566 | ... | 12,566 |
| Candestine Lab Seizures | 549 | 309 | 324 | 324 | ... | 324 |
| Asset Seizures (000) | 551,687 | \$390,308 | \$428,031 | \$440,157 | ... | \$440,157 |

Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

Organized Crime Drug Enforcement Task Force

| | 1990* ACTUAL | 1991* ACTUAL | 1992 ESTIMATE | 1993 BUDGET | CHANGE | 1993 BUDGET |
|-------------------------|-----------------|-----------------|------------------|----------------|---------|----------------|
| Investigative Workhours | 1,379,194 | 1,439,925 | 1,559,925 | 1,606,050 | 17,625 | 1,623,675 |
| DEA/OCDE Arrests | 3,773 | 3,587 | 3,886 | 4,001 | 44 | 4,045 |
| DEA/OCDE Convictions | 2,229 | 2,768 | 2,999 | 3,087 | 34 | 3,121 |
| Drugs Removed | | | | | | |
| Heroin (kilo.) | 68 | 47 | 51 | 52 | 1 | 53 |
| Cocaine (kilo.) | 4,204 | 11,593 | 12,559 | 12,930 | 442 | 13,372 |
| Cannabis (kilo.) | 1,907 | 10,847 | 11,751 | 12,098 | 133 | 12,231 |
| Other Drugs (000 D.U.) | 4,012 | 1,675 | 1,814 | 1,868 | 21 | 1,889 |
| Assets Removed (000) | \$477,014 | \$387,717 | \$420,028 | \$432,448 | \$4,746 | \$437,194 |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

Investigative Workhours: DEA logged 4.1 million investigative workhours through its Domestic Enforcement Program activities in 1991, of which OCDEF accounted for 1.4 million workhours. This represents 400,000 additional workhours over the 1989 level, a 13 percent increase. In comparison, the average number of Special Agents on board in 1990 increased by only three percent over 1989.

Arrests and Convictions: In 1991, DEA arrested 17,040 violators through its Domestic Enforcement and OCDEF initiatives. Also, these programs resulted in the conviction of 11,734 violators in 1991.

Drug Seizures: In 1991, DEA seized 980 kilograms of heroin through its combined Domestic Enforcement and OCDEF activities. This total represents an increase of 97 percent over the 1990 level. This large increase is due to the culmination of several major heroin investigations in 1991.

Domestic cocaine seizures, including those under OCDEF totaled 50,839 kilograms. Cocaine seizures under the Domestic Enforcement Program decreased by 33 percent while cocaine seizures under the OCDEF program increased by 176 percent (7,389 kilograms). These figures demonstrate DEA's strategy of focusing on the highest levels of cocaine trafficking in that many Domestic Enforcement cases are becoming OCDEF cases.

For the third straight year, DEA has seen a significant decrease in the amount of marijuana seized through its Domestic Enforcement Program. Domestic marijuana seizures in 1991 totaled 84,408 (including OCDEF), which is down a quarter from 1990. Marijuana seizures reported under the Domestic Enforcement Program are only seizures of imported marijuana. Intelligence reports confirm that domestic marijuana preference has significantly shifted to U.S. grown marijuana. As such, the importation of foreign-cultivated marijuana is down substantially. Statistics on the amount of marijuana seized domestically are included under the Domestic Cannabis Eradication/Suppression Program within the Special Enforcement Operations/Special Enforcement Programs (SEO/SEP) decision unit.

An unusually large single seizure of 88,900,000 dosage units of dangerous drugs in Hayward, California contributed to a substantial amount of dangerous drugs seized for 1990. Consequently, the 1991 dangerous drug seizures of 12,818,000 dosage units are significantly lower.

Clandestine Lab Seizures: DEA seized 309 clandestine laboratories through its Domestic Enforcement activities in 1991, 240 less than the number seized in 1990. The decrease can be attributed to the success of enforcing the Chemical Diversion and Trafficking Act of 1989, resulting in many labs being discovered, seized, and put out of business.

Asset Seizures: Through Domestic Enforcement and ODETF initiatives in 1991, DEA seized assets valued at \$778,025,000, of which, ODETF accounted for \$387,717,000.

The following case exemplifies all three types of seizures: In October of 1990, DEA's Los Angeles Field Division, assisted by the Bureau of Alcohol Tobacco and Firearms, the Internal Revenue Service, and the Compton Police Department, concluded the first phase of a three year investigation of a major PCP manufacturing and distribution organization. The execution of 16 federal search warrants resulted in the arrest of 17 violators, the destruction of a clandestine lab, the seizure of one kilogram of crack cocaine, and the seizure of 15 handguns and an AK-47 with 1200 rounds of ammunition. Also seized were assets estimated at \$7 million. This organization was responsible for approximately 40 percent of all PCP manufactured and distributed in the United States.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|--------------------|----------|-----------|----------|---------------|----------|-------------------|---------|
| | Perm. | Amount | Perm. | Amount | Perm. | Amount | Perm. | Amount |
| Special Enforcement Operations/Programs..... | 540 | \$74,189 | 540 | \$77,903 | 606 | \$83,768 | 66 | \$5,865 |

Long Range Goal: Reduce the availability of illicit drugs by immobilizing targeted organizations that are subsequently responsible for the importation and distribution of drugs and by focusing enforcement operations on specific drug trafficking problems that are of significant concern to law enforcement.

Major Objectives:

- o Develop tailored initiatives to address the most significant drug trafficking problems and organizations worldwide.
- o Implement actions against identified problems/organizations to disrupt or immobilize drug production and trafficking.

Basic Program Description: This program encompasses DEA's priority targeting mechanism for identifying and prioritizing action against drug trafficking problems and organizations which have the greatest impact on drug availability. Special Enforcement Operations (SEO) and Special Enforcement Programs (SEP) are DEA's highest priority initiatives. They can be targeted at a specific problem (SEP), such as South American coca cultivation, or a particular organization (SEO), such as the Medellín Cartel. They typically focus at the highest level; vary in duration; are managed by Headquarters Drug Investigations Sections; and are implemented by domestic and foreign field offices. SEOs/Ps focus DEA's investigative, intelligence, and support efforts on trafficking problems and organizations that account for large proportions of illegal drugs distributed in the United States. The current program consists of 45 active SEO/Ps.

Accomplishments and Workload: As part of DEA's Priority Targeting System, SEO/SEPs continue to be some of DEA's most successful initiatives. There are currently 45 active SEO/SEP's that focus on DEA's most important investigations. DEA is in the process of establishing a workload and accomplishment tracking system that will provide statistics to further demonstrate the success of SEO/SEPs. The goal for this system is to establish a fully automated procedure by which statistics, similar to those provided in other decision units, can be presented. To facilitate this initiative, DEA has made vast changes in the way its Agents report on cases; however, many of these statistics must be captured through a manual reporting process until DEA has the resources to fully automate this system.

Of the following workload and accomplishment statistics, investigative workhours, arrests, and asset seizures are derived from an automated system and are not counted in other decision units. Drug seizure statistics are compiled through a manual reporting system. These seizures did result from SEO/SEP investigations, but investigations under other programs, such as the Organized Crime Drug Enforcement Task Force and the State and Local Task Forces, may have also contributed to the seizures and results are likely to be reported under those decision units as well.

SEO/SEP Workload

Investigative Workhours: DEA logged 495,781 investigative workhours through its SEO/SEP program in 1991. Because SEO/SEP's target higher level violators, 57 percent of the program's investigative workhours were devoted to Class I investigations -- a higher percentage than the Domestic Enforcement Program and the State and Local Task Force Program (CODIF and Foreign Cooperative Programs do not use the O-SEP classification).

| Investigative Workhours by Case Class | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Base | 1993 Change | 1993 Residual |
|--|-----------------|-----------------|------------------|--------------|----------------|------------------|
| | | | | | | |
| Class I | 222,640 | 284,261 | 284,261 | 284,261 | 10,931 | 295,192 |
| Class II | 11,723 | 15,929 | 15,929 | 15,929 | 596 | 16,525 |
| Class III | 9,561 | 8,953 | 8,953 | 8,953 | 390 | 9,343 |
| Class IV | 6,324 | 9,162 | 9,162 | 9,162 | 405 | 9,567 |
| General File | 106,423 | 177,476 | 177,476 | 177,476 | 7,552 | 185,028 |
| TOTAL | 356,671 | 495,781 | 495,781 | 495,781 | 19,874 | 515,655 |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

SEO/SEP Accomplishments

Arrests: In 1991, SEO/SEP investigations resulted in the arrest of 1,372 violators. These figures are considered to be extremely conservative as the new reporting requirements for SEO/SEPs were implemented in mid 1990 and full compliance by the field offices was not achieved until mid 1991. It should be noted that of the 657 Class IV arrests in 1991, approximately 80 percent were the result of one operation targeting interdiction along the Southwest Border.

| Arrests by Case Class | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Base | 1993 Change | 1993 Residual |
|-----------------------|-----------------|-----------------|------------------|--------------|----------------|------------------|
| | | | | | | |
| Class I | 493 | 502 | 502 | 502 | 19 | 521 |
| Class II | 117 | 122 | 122 | 122 | 5 | 127 |
| Class III | 131 | 91 | 91 | 91 | 4 | 95 |
| Class IV | 466 | 657 | 657 | 657 | 29 | 686 |
| TOTAL | 1,207 | 1,372 | 1,372 | 1,372 | 57 | 1,429 |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

Drug Seizures: These statistics are derived from manual reports for each SEO/SEP. DEA started tracking this statistic for SEO/SEP's in 1991. Therefore, no 1990 statistics are not available. Also, dangerous drugs involve many different units of measure (i.e. dosage units, liters, tablets, etc.). The manual reports do not combine these measurements. DEA will continue developing an automated measurements system for consistency in statistical reporting.

| | 1990* | 1991* | 1992 | 1993 | 1993 |
|------------------------|--------|---------|----------|----------|---------|
| | Actual | Actual | Estimate | Estimate | Actual |
| Drugs Removed | | | | | |
| Heroin (kilo) | N/A | 6,285 | 6,285 | 6,285 | 6,537 |
| Cocaine (kilo) | N/A | 137,169 | 137,169 | 137,169 | 142,668 |
| Cannabis (kilo) | N/A | 86,949 | 86,949 | 86,949 | 90,435 |
| Dangerous Drugs (d.u.) | N/A | N/A | N/A | N/A | N/A |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

N/A = Information not available at this time.

Domestic Cannabis Eradication/Suppression Program (DCE/SP)

The following chart reflects the accomplishments of the Domestic Cannabis Eradication/Suppression Program, which is active in 50 states.

| | 1988 | 1989 | 1990 | 1991 |
|-------------------------|-------------|-------------|--------------|--------------|
| Plots Eradicated | 39,531 | 49,699 | 29,449 | 42,460 |
| Indoor grows seized | 1,240 | 1,398 | 1,469 | 2,848 |
| Total plants eradicated | 107,276,308 | 129,924,495 | 125,847,752 | 139,326,453 |
| Arrests | 6,042 | 5,737 | 5,729 | 9,364 |
| Assets Seized | 89,845,691 | 829,345,033 | \$38,691,584 | \$32,830,475 |

The accomplishments of the DCE/SPs will also show their efficiency, as many of these initiatives were established to impact the flow of drugs before they enter the United States and reach the street level and have done so in a cost effective manner.

- One SED targeting the Medellín Cartel has accomplished since its initiation in 1988, over 1,400 arrests, seizures of 237,000 kilograms of cocaine base and hydrochloride and over \$264 million in cash.
- An SED established in 1988 to target the Cali Cartel has to date resulted in 749 Class I arrests, seizure of 105,916 kilograms of cocaine and 11,751 kilograms of marijuana, and seizure of \$185 million in cash and real estate. This same SED, with an operating budget of \$783,000 to operate in 1990, effected a single \$84 seizure of \$13.7 million in October, 1990.
- A heroin SEP, which in its two and a half year history has cost \$642,000, has seized \$2.9 million and 7,912 kilograms of heroin, and resulted in the arrest of 563 individuals.
- In October 1990, a single investigation within a marijuana SED resulted in the largest indoor marijuana seizure in the United States. A total of 16,547 marijuana plants were seized in two large and highly sophisticated suburban growing centers. These centers, which were located under two expensive houses built as cover in Mojave, Arizona were capable of producing \$90 million worth of marijuana. The seized marijuana also had the highest potency ever recorded for domestically grown plants.

Because SED/SEP cases target the highest levels of trafficking organizations, their investigations are typically complex, long in duration, and require extensive investigative procedures, yet they yield substantial results as the following SED/SEP cases show.

- Between October 5 and 9, 1990, five defendants were arrested and \$13.7 million in cash was seized as a result of an SED targeting the Cali Cartel. The investigative effort, through extensive surveillance, identified a unique method of smuggling cash proceeds from drug activities out of the United States to Colombia. The cash was hidden in commercial shipments of wire. The seizures were made in several locations

including the warehouse used to pack the spoils. Subsequent search warrants of four of these locations provided cash, records, and the arrest of the five individuals. This investigation is a result of a follow up investigation under the same SSO where \$18.7 million had been seized in New York in November 1989.

- o Since 1989, DEA's Guatemala Country Office, the Long Island Resident Office, and the Houston Field Division have been investigating a major cocaine smuggling organization based in Guatemala. The organization uses tractor trailers to transport cocaine to the United States for various Colombian cocaine organizations. The cocaine is concealed in the tires, brake cylinders, and radiators of the tractor trailers. The trucks are driven from Guatemala through Mexico and to Houston where the cocaine is distributed. DEA has documented that this organization is responsible for smuggling over 13 tons of cocaine to the United States; however, this amount is believed to be only 25 percent of the actual cocaine handled by this organization. As a result of this and spinoff investigations, over 20 individuals have been indicted and arrested. Three individuals in Guatemala are currently awaiting extradition to the United States.

Program Changes:

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--|-----------|-----|----------|---------------|-----|----------|-------------------|----|---------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Special Enforcement Operations/Programs..... | 540 | 568 | \$77,903 | 608 | 583 | \$83,768 | 68 | 17 | \$5,865 |

DEA requests 68 positions (33 Special Agents and 13 support), 17 workyears, and \$5,865,000. These enhancements directly support DEA's strategic funding initiatives of enhancing enforcement operations through additional human resources and infrastructure adjustments.

Andean Strategy Support

DEA requests 68 positions (33 Special Agents, 13 support), 17 workyears and \$5,865,000 to establish Andean support teams for deployment to Latin America. The members of the teams would be Special Agents permanently assigned to a team, but would also be deployed to other enforcement efforts worldwide on an as-needed basis. The majority of the time will be in support of the Andean Strategy.

In 1990, the Administration the Andean Strategy to effectively address continuing coca cultivation and cocaine processing and transshipment to the United States from within the Andean region. The 1991 Andean Implementation Plan builds upon the success and lessons learned from recent enforcement efforts in the Andean region and focuses on the operational concepts to achieve the broad objectives of the 1990 Andean Plan. In doing so, four operational objectives were established comprised:

Objective I: Institutional Will

- o Through public diplomacy and the administration of justice, assist in maintaining an institutional will within the Andean countries to attack illicit drug processing and trafficking.

Objective II: Law Enforcement Capability

- o To assist in establishing and maintaining air, ground, riverine, and EOD containment law enforcement capabilities.

Objective III: Organizations and Assets

- o To strike at the trafficking organizations and their assets through concentrated investigations aimed at drug kingpins, processors, traffickers, and money laundering.

Objective IV: Economic Assistance

- o To provide economic assistance to Andean countries fighting drug trafficking and encourage crop substitution.

DEA's responsibilities in implementing the Andean Strategy lie in Objectives II and III. In fact, Objective II entails the very concept for which DEA's Operation SMOUCAP was established in 1987. Operation SMOUCAP provides advisory Special Agents, equipment, and logistical support to assist Bolivian and Peruvian law enforcement agencies in air, ground, and riverine operations aimed at dismantling cocaine processing labs and blocking the transportation of cocaine base and cocaine hydrochloride.

Following the Andean Strategy, the Administration developed the Potential Source and Transit Country Strategy. This strategy addresses drug trafficking in non-Andean countries which have been identified as "potential source or transit" areas. Countries such as Guatemala, Honduras, and Belize have been identified as potential source or transit countries and are seeking assistance from the United States in their efforts to address significant drug trafficking.

As part of implementing the Potential Source and Transit Country Strategy, recent negotiations between the United States and Guatemala have resulted in the establishment of DEA's Operation CADENCE (Central American Drug Enforcement Centers). This operation is similar to Operation SMOUCAP in that it is a regional effort that provides teams of Agents, equipment, and logistical support to host country law enforcement agencies, but it differs from Operation SMOUCAP in that it targets drug trafficking rather than drug processing and it involves non-Andean countries. DEA, the State Department, and other Federal agencies are currently working with other potential source or transit countries to establish similar operations.

DEA currently operates five SMOUCAP teams (three in Bolivia and two in Peru) and one CADENCE team in Guatemala. The teams consist of four to six Special Agents who volunteer from field offices for temporary duty (TDY) assignment and receive weeks of specialized training before deploying for a 90-day period. Once this deployment is completed, the Agents must take leave for two weeks before returning to their home office. In the meantime, another team is deployed. For safety and health reasons, each Agent must serve a minimum of 16 weeks between deployments.

These requirements are critical to maintain the safety of the Agents and the integrity of the operation, yet the necessity there is a requirement for many Agent volunteers in order to support the operation on a continuous basis. Currently, these programs use Agents permanently assigned to DEA field offices and have on-going case responsibilities which include the maintenance of informants; testimony in trials; and liaison activities with other Federal, State, and local law enforcement agencies. The constant depletion of Agent resources from the field offices to TDY assignments has resulted in a decline in enforcement productivity in domestic offices, primarily from Operation SMOUCAP. Because most TDY assignments are voluntary, there is also an inequitable loss of Agents among the divisions.

In trying to address the drain of personnel from field offices and the insufficient volunteer pool, DEA requested a 1990 enhancement to relieve the field divisions for the loss of personnel to SMOUCAP. In hindsight, this was a band aid solution to a much larger problem. At the time of the request, DEA's Special Agents in Charge were very concerned about losing staff to SMOUCAP operations (these losses were minor compared to what they are today). To alleviate their concerns, the 1990 enhancement provided positions for every field division to offset losses to SMOUCAP deployments. However, because the SMOUCAP Agent pool is voluntary, the losses by division were never equitable at any one time, thus, the 1990 offset was never a one-for-one backfill. Even if it were, no Agent positions were permanently withdrawn from these field offices.

Many would-be SMOUCAP Agents do not volunteer for a first or return deployment because of the demanding responsibilities associated with the home office. Agent participants in SMOUCAP have stated that they would be more willing to volunteer for SMOUCAP and CADENCE operations if it was a voluntary permanent position and they did not have to report to two supervisors -- the field office supervisor and their SMOUCAP supervisor. This dual responsibility has caused the voluntary pool to become so low at times that DEA cannot meet its commitment of Agent resources to current SMOUCAP and CADENCE operations. For example, in a recent SMOUCAP deployment, DEA had such a low number of Agent volunteers, that it could not meet the 16 Agent commitment to Bolivia. This commitment is not only to the Government of Bolivia, but also to the National Security Council, the Department of State, the Department of Defense, and all other participants in the President's Andean Strategy.

DEA's experiences show that the only option to address the problems of both the field and SMOUCAP/CADENCE operations is the establishment of a permanent team of volunteer Special Agents who will be specially trained for SMOUCAP and CADENCE operations and other DEA enforcement operations. Because of the minimum between-deployment time frame of 16 weeks, the Agents will spend approximately 50 percent of their time in deployment. While not deployed, these Agents will receive additional training and will assist in cases where additional or specially trained personnel are needed (i.e., Title III intercepts and foreign language requirements), thus eliminating the need to further deplete the field offices with TDY assignments.

Operation SHOUJAP is the key element in the execution of Objective II of the 1991 Andean Strategy Implementation Plan. The Plan states that, "The four functional categories, air, ground, riverine, and coca containment represent the heart of the strategy of attacking trafficker infrastructure including the production, processing, and movement of coca products." The U.S. Government is looking to provide assistance in these operations to other countries such as Venezuela and Ecuador.

Likewise, Operation CADENCE is the backbone to the Potential Source and Transit Country Strategy. The U.S. Government is also working with other Central American countries, such as Honduras and Belize, to provide assistance similar to that being provided to Guatemala. Because CADENCE is a regional operation, the existing team in Guatemala could provide assistance to other participating countries in that region.

With the establishment of permanently assigned teams of Agents, DEA could provide a consistent commitment of resources to the implementation of both of the President's strategies, resolve its problems associated with the depletion of Agents from the field offices, and provide DEA with the capability to address drug enforcement situations which require a quick response from specially trained Agents.

DEA requests 53 Special Agents to begin establishing Andean support teams. In 1993, DEA anticipates having seven teams deployed at one time (two SHOUJAP teams each in Bolivia and Peru, one team each to Venezuela and Ecuador and one CADENCE team in Guatemala). Each team will consist of five Agents. In order to ensure year-round coverage and still maintain the required minimum of 16 weeks between deployments, three teams will be necessary for each of the seven operations. For example, Guatemala will need 15 Agents (three teams) so that while team one is finishing its 90 day deployment, team two will be ready for deployment and team three will be in the middle of its 16 week between-deployment activities. Therefore, with each of the seven operations requiring three teams of five Agents, a total of 105 Agents are necessary.

By requesting half of the required 105 Agents in 1993, DEA could phase in the permanent assignments by providing each of the seven operations with half permanent and half TDY Agents. This arrangement would also allow those Agents who are considering volunteering for a permanent assignment to the Andean support teams a chance to try the deployment on a TDY basis first. However, to further relieve DEA field investigations from the strain of TDY assignments and to maintain the cohesive consistency of the Andean support teams, the remaining 52 TDY assignments must eventually become permanent. To provide necessary equipment to accomplish their mission, an additional \$5,034,000 will be provided through an advance in appropriation from the Department's Assets Forfeiture Fund.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|--|--------------------|-----|----------|-----------|-----|----------|---------------|-----|----------|-------------------|-----|
| | Perm. | WT. | Amount. | Perm. | WT. | Amount. | Perm. | WT. | Amount. | Perm. | WT. |
| Foreign Cooperative Investigations..... | 307 | 288 | \$56,229 | 307 | 288 | \$61,192 | 307 | 288 | \$61,192 | ... | ... |
| Long-Range Goal: Reduce the supply of drugs entering the United States and reduce the amount of illicit drugs cultivated, processed, and consumed worldwide. | | | | | | | | | | | |

Major Objectives:

- o Disrupt drug trafficking as close to the source as possible.
- o Prevent drugs, ultimately destined for the United States, from entering international trafficking channels.
- o Assist the United States Department of State and host country officials in efforts to reduce illicit crop production.
- o Develop the groundwork for international investigations by establishing informant, intelligence, and diplomatic liaison within host countries.

Basic Program Description: DEA's overseas efforts are directed towards encouraging, advising, and assisting host country governments in the development of programs to reduce the supply of drugs at or near the agricultural source; immobilizing foreign clandestine conversion laboratories; identifying export steaming areas and interdicting the drugs; and reducing the diversion of legitimate drugs from international commerce. DEA's efforts include maintaining informants and developing intelligence that lead to cooperative arrests and drug removals in host countries and to investigations of United States distributors associated with these supply sources. DEA's presence is at the invitation of the host country. The FCIP program does not include resources provided to foreign Special Enforcement Operations/Programs (SEOP), which are contained in the SEOP decision unit.

Accomplishments and Workload:

| Foreign Cooperative Investigations | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Estimate |
|------------------------------------|--------------|--------------|---------------|---------------|
| Workhours | | | | |
| Investigative | 194,597 | 171,679 | 181,692 | 181,692 |
| General File | 146,001 | 137,828 | 145,867 | 145,867 |
| Intelligence | 7,942 | 7,220 | 7,641 | 7,641 |
| Liaison | 32,441 | 30,457 | 32,233 | 32,233 |
| Total Workhours | 380,981 | 347,184 | 367,433 | 367,433 |
| Cooperative Arrests | | | | |
| By Drug Type | | | | |
| Heroin | 554 | 594 | 629 | 629 |
| Cocaine | 804 | 803 | 850 | 850 |
| Cannabis | 160 | 48 | 72 | 72 |
| Dangerous Drugs | 46 | 23 | 26 | 26 |
| Total Arrests | 1,562 | 1,468 | 1,575 | 1,575 |
| Cooperative Drug Removals | | | | |
| Heroin (Kilo.) | 3,329 | 3,395 | 3,593 | 3,593 |
| Cocaine (Kilo.) | 9,785 | 11,104 | 11,752 | 11,752 |
| Cannabis (Kilo.) | 131,610 | 18,548 | 19,650 | 19,650 |
| Dangerous Drugs** (000 D.U.) | 17,436 | 100,314 | 106,165 | 106,165 |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

** Totals for Dangerous Drug seizures in 1991 were significantly increased due to the single seizure of massive amounts of Phenobarbital and Morphine in Pakistan during the year.

A worldwide acceptance of the international nature of narcotics production and trafficking has generated an increase in international cooperation in the global war against drugs. Examples include:

The International Drug Enforcement Conference (IDEC), initiated in 1983, brings together drug enforcement executives representing 25 nations from South, Central and North America to coordinate drug enforcement policy matters and share information. Over the years, IDEC has been successful on several fronts, especially in the area of chemical control and monitoring, aerial eradication, controlled delivery techniques, legislative and judicial reform, and regional communications systems for narcotics enforcement. In April 1991, IDEC IX was held in Cartagena, Colombia. Delegates at this meeting agreed to pursue chemical control and money laundering initiatives. IDEC X will be held in Santa Cruz, Bolivia in April, 1992.

In 1991, the Republic of Colombia and the United States signed a Declaration of Intent to the commitment of reciprocal cooperation in the exchange of information and materials that can be used as evidence with respect to the investigations and prosecutions of Colombians who surrender to the Government of Colombia.

In 1991, Hong Kong officials finalized Hong Kong's Recovery of Proceeds Act. Confiscation orders issued by a United States Court for assets in Hong Kong can now be submitted to the Hong Kong Government for action. DEA has initiated a major project to review current and recently completed investigations involving Hong Kong to identify seizable assets.

DEA continues to pursue the Northern Border Response Force (NBRF) initiative with the Government of Mexico. The initiative involves a response group targeting the interception of narcotic smuggling aircraft (principally cocaine laden aircraft from Colombia) into the northern border area of Mexico. To date, more than 33 tons of cocaine have been seized as well as millions of dollars worth of trafficker assets.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|------------------------|--------------------|------|------------|-----------|------|------------|---------------|------|------------|-------------------|------|------------|
| | Perm. | Pos. | WT. Amount | Perm. | Pos. | WT. Amount | Perm. | Pos. | WT. Amount | Perm. | Pos. | WT. Amount |
| Diversion Control..... | 588 | 578 | \$39,671 | 588 | 578 | \$43,051 | 588 | 578 | \$43,051 | ... | ... | ... |

~~Law Enforcement~~ Prevent legitimately produced controlled substances from being diverted into illicit channels.

Major Objectives:

- o Conduct investigations of suspect practitioners and evaluations of registrant qualifications.
- o Enforce all provisions of the Controlled Substances Act, the Chemical Diversion and Trafficking Act of 1988, and the Anabolic Steroid Control Act of 1990. Assist foreign countries in preventing international drug and chemical diversion and eliminate diversion of controlled substances and listed chemicals. Provide drug and chemical diversion expertise and intelligence directly in eight strategically selected countries.
- o Assess the ability of the States to control diversion and assist them in their drug and chemical diversion control efforts.
- o Identify all new substances which are being abused or have abuse potential, determine their placement in the appropriate Controlled Substances Act schedule and establish manufacturing quotas.
- o Respond in a timely fashion to all requests concerning drug control issues and import/export data.
- o Register all legal handlers of Controlled Substances Act Schedule I and II controlled substances and Schedule III anabolic steroids.

Basic Program Description: The Diversion Control Program seeks to reduce the diversion of legitimately produced controlled substances into illicit channels at all levels of distribution and to provide leadership and support to ensure that State and local agencies and the pharmaceutical industry establish and maintain programs and policies to control diversion. The Diversion Control Program includes the following:

- o **Criminal Diversion Investigations:** An estimated 12,000 practitioners are involved in activities that violate the Controlled Substance Act (CSA), the Chemical Diversion and Trafficking Act, and the Anabolic Steroid Control Act. Under the Targeted Registrant Investigations Program, DEA identifies the highest level violators responsible for large scale diversion and conducts high quality and timely criminal investigations of their diversion activities.
- o **Public Interest Revocation Investigations:** DEA may deny an application for registration or immediately revoke or suspend a registration if it is determined that the issuance would be inconsistent with the public interest.
- o **CSA Mandated Cyclic Investigations:** Cyclic investigations ensure that diversion does not occur at the manufacturer, distributor or wholesale levels of the distribution chain.
- o **Pre-registrant Investigations:** Pre-registrant investigations ensure that only qualified individuals or companies are authorized to acquire or dispense controlled substances.
- o **State and Local Assistance:** DEA assesses State programs aimed at suppressing the diversion of controlled substances from scientific, medical, research and legitimate distribution channels. In addition, the State Assistance Program provides expertise, leadership and guidance to the States consistent with national objectives.
- o **Drug Scheduling:** DEA is responsible for determining the appropriate placement of controlled substances on the CSA Schedule. There are five established schedules, each of which imposes varying degrees of control over prescribing, distributing, producing, recordkeeping and providing physical security.
- o **Chemical Act:** DEA receives and determines the legitimacy of all import/export declarations of listed chemicals, including foreign firms importing U.S. chemicals. DEA has the authority to stop suspect chemical shipments, to reject applications by chemical companies for "regular customer" status, and to follow up clandestine laboratory seizures to determine chemical supplier culpability. If any, in the diversion of listed chemicals. In addition, DEA is required to audit all U.S. chemical companies once every three years.

Accomplishments and Workload:

In 1991, diversion control investigators conducted 1,616 criminal investigations, 437 public interest revocations, and 27 steroid investigations. In addition, 840 cyclic investigations of drug manufacturers, distributors, import/export firms, and narcotics treatment programs were conducted. DEA also conducted 1,376 pre-registrant investigations. Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

As a result of DEA's regulatory program \$14.7 million in fines and seizures were levied in 1991.

1992 Appropriation
Anticipated

| Perm. | 1992 Base | | 1992 Estimate | | Increase/Decrease | |
|---------|-----------|---------|---------------|---------|-------------------|-----|
| | Est. | WT | Est. | WT | Est. | WT |
| 476 | 476 | 476 | 505 | 423 | 29 | 7 |
| WT | WT | WT | WT | WT | WT | WT |
| 551,227 | 551,227 | 551,227 | 552,042 | 552,042 | 815 | 815 |

State & Local Task Force.....

Long-Range Goal: Facilitate a maximum contribution from State and local governments and expand intergovernmental cooperation in order to reduce drug availability and immobilize major drug trafficking organizations at all levels.

Major Objectives:

- o Conduct quality investigations leading to the arrest, prosecution, and conviction of drug traffickers, as well as the financial immobilization of their organizations.
- o Establish and maintain an effective intelligence exchange with participating State and local law enforcement agencies in order to enhance and expand the Federal drug law enforcement intelligence network.
- o Develop intelligence and investigations that become a springboard for more complex Federal investigations, launched as a result of the initial efforts of a task force.

Base Program Description: The State and Local Task Force program effectively enlists the resources and support of State and local enforcement agencies in Federal drug enforcement efforts. The task force program assists in fulfilling DEA's responsibility to provide a diverse, creative, and all-encompassing Federal response to the multi-faceted and complex drug problem. By working together, DEA Agents and State and local police officers achieve increased cooperation and communication that aids the investigative process at the working level to help make DEA's cases more productive. The program expands the workforce under DEA's supervision; provides State and local officers special equipment and conveniences when needed for DEA undercover operations; contributes substantial intelligence to DEA's data bases; and achieves enhanced cooperation with local banks, thus improving DEA's ability to obtain emergency flashrolls and temporary storage of monies.

Accomplishments and Workload:

Workload statistics for the State and local task force program are presented below:

| State and Local Task Forces Investigative Workhours by Case Class | 1990* | | 1991* | | 1992 | | 1993 | |
|---|---------|----------|---------|----------|---------|----------|--------|----------|
| | Actual | Estimate | Actual | Estimate | Actual | Estimate | Actual | Estimate |
| Class I | 215,319 | 214,483 | 214,483 | 325,743 | 339,405 | 343,516 | 3,910 | 343,516 |
| Class II | 82,994 | 95,255 | 95,255 | 144,687 | 150,824 | 152,561 | 1,737 | 152,561 |
| Class III | 74,356 | 66,817 | 66,817 | 131,832 | 137,464 | 137,047 | 1,583 | 137,047 |
| Class IV | 17,725 | 13,315 | 13,315 | 20,222 | 21,083 | 21,328 | 243 | 21,328 |
| Subtotal | 390,464 | 409,870 | 409,870 | 622,484 | 648,997 | 656,450 | 7,473 | 656,450 |
| General File Workhours | 33,560 | 42,671 | 42,671 | 64,808 | 67,566 | 68,342 | 778 | 68,342 |
| Total | 424,024 | 452,541 | 452,541 | 687,290 | 716,561 | 724,792 | 8,251 | 724,792 |

Assets by Case Class

| | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Estimate | Change | 1993 Estimate |
|-----------------------------|-----------------|-----------------|------------------|------------------|---------|------------------|
| Assets by Case Class | | | | | | |
| Class I | 1,439 | 1,601 | 2,431 | 2,535 | 29 | 2,564 |
| Class II | 1,353 | 1,308 | 1,987 | -2,071 | 24 | 2,095 |
| Class III | 1,787 | 1,845 | 2,802 | 2,921 | 34 | 2,955 |
| Class IV | 1,308 | 1,112 | 1,689 | 1,761 | -20 | 1,781 |
| Total | 5,977 | 5,866 | 8,909 | 9,288 | 107 | 9,395 |
| Convictions | | | | | | |
| Federal Court | 4,317 | 4,294 | 6,521 | 6,799 | 78 | 6,866 |
| State Court | 2,173 | 2,162 | 3,314 | 3,455 | 48 | 3,503 |
| | 2,144 | 2,112 | 3,208 | 3,344 | 39 | 3,383 |
| Drugs Removed | | | | | | |
| Heroin (kilo) | 97 | 91 | 138 | 144 | 2 | 146 |
| Cocaine (kilo) | 10,491 | 8,080 | 12,271 | 12,794 | 167 | 12,961 |
| Cannabis (kilo) | 38,034 | 22,450 | 34,096 | 35,547 | 409 | 35,956 |
| Dangerous Drugs (000 D.U.) | 30,941 | 19,515 | 29,638 | 30,900 | 356 | 31,256 |
| Asset Seizures (\$000) | \$144,219 | \$162,425 | \$246,680 | \$257,179 | \$2,961 | \$260,140 |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

With an investment of nine percent of DEA's agent resources in 1991, the task forces expended half of their total investigative workhours on Class I cases, increased asset seizures by 13 percent over 1990, and produced 17 percent of DEA's total asset seizures. Since its inception, the State and Local Task Force Program has consistently increased its statistical accomplishments in primary arrests, total arrests, and asset seizures.

In addition to direct contributions, the program also makes significant indirect contributions through the development of intelligence and "gateway" cases (those that become a springboard for higher level investigations). The significant increase in intelligence gathered from a close working relationship with an expanded number of state and local agencies, as well as the liaison and good will generated, cannot be easily measured.

A clear example of the 1991 successful efforts of DEA's State and Local Task Force Program can be witnessed in the investigation of Jose Santacruz Londono, a major kingpin in the Cali Cartel. DEA's New York Drug Enforcement Task Force, with the assistance of 13 foreign countries, was able to track and locate a number of assets worldwide belonging to Londono which were acquired through drug trafficking efforts in New York. After several smaller drug investigations yielded ties between members of the traffickers in New York and the Cali Cartel, the task force was able to link Londono to assets in the U.S. and abroad. Londono is currently under indictment for Continuing Criminal Enterprises (CCE) charges in New York. As a result, foreign governments have frozen approximately \$44 million in his accounts abroad and \$13 million in U.S. currency was seized in the U.S. Three subjects have been arrested in Europe and members of the task force have testified in Luxembourg against the defendants. Proceedings are beginning in the U.S.

Provisional task forces receive their share of drug trafficking cases also. For example, a group of Mexican Nationals in the Riverside, California area were found to be illegally distributing large quantities of methamphetamine. The principal of the investigation, Miguel Contreras, was found by task force authorities to be using his towing company as a cover for the purchase of vast amounts of precursor chemicals which were then supplied to local drug manufacturers for use in the production of methamphetamine. DEA's Riverside Resident Office, in conjunction with the San Bernardino

Sheriff's Department and with the assistance of the California National Guard, initiated a surveillance of the towing company and many of the key violators, the object of which was to determine the origin of the precursor chemicals, the perpetrators preferred method of smuggling, and the identity of the drug chemists and location of their clandestine laboratories.

The case came to a successful close when on February 12, 1991, the Riverside Resident Office, in cooperation with a multi-agency task force from Orange, Riverside and San Bernardino Counties, arrested 21 defendants and executed four search and seizure warrants which resulted in the seizure of approximately 510 pounds of methamphetamine, 445 gallons of hydroiodic acid, 1600 pounds of ephedrine, and over \$400,000 in U.S. currency. The Contreras case is significant in that it has subsequently led to the larger ODETF investigation of Mexican nationals involved in the production and distribution of methamphetamine in southern California.

Program Change:

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--------------------------------|-----------|-----|----------|---------------|-----|----------|-------------------|----|----------|
| | Pos. | VF | Amount | Pos. | VF | Amount | Pos. | VF | Amount |
| State & Local Task Forces..... | 478 | 475 | \$35,668 | 505 | 482 | \$62,062 | 27 | 7 | \$26,394 |

DEA requests 27 positions (22 Special Agents and 5 support), 7 workyears, and \$8,394,000, including \$5,965,000 in special funding to fund four State and local task forces. This directly supports DEA's Strategic Management System through the continuation and development of innovative enforcement operations.

Human Resources: Expansion of Task Force Program

DEA requests 27 positions (22 Special Agents and 5 support), 7 workyears, and \$8,394,000 including \$5,965,000 in special funding to convert four provisional task forces to program funded status in 1993.

Mounting a successful attack on major trafficking organizations requires a combined effort between Federal, State and local law enforcement. DEA's State and local task force program plays a major role in engendering intergovernmental cooperation between Federal and State and local law enforcement agencies by facilitating the immobilization of drug trafficking organizations, at all levels, throughout the United States.

DEA formally established a provisional task force program in order to better manage the growth and performance of the State and local task force program. The provisional program serves as a test-bed for future program-funded State and local task forces, and provides DEA management with the basis for assessing performance potential and information for projecting future resource requirements. While in the 12-15 month provisional period, a task force must prove that it can perform at a level comparable with other program-funded task forces. Performance is regularly assessed and a decision is made at the end of the provisional period to fund or disband the task force. Restrictions are imposed upon the number of task forces that can participate.

Through the State and Local Task Force Program, DEA can provide State and local law enforcement personnel with the training, equipment and supervision needed to launch an effective attack against these criminals. State and local law enforcement agencies participating in the program are also entitled to an equitable share in the assets seized as a result of their contributions to investigations. In 1991, DEA shared over \$218 million with State and local governments.

Utilizing State and local law enforcement personnel provides advantages from a Federal perspective also. First, it provides additional manpower and intelligence that might not be available or accessible otherwise.

Based on past experience, DEA anticipates there will be an increasing demand for both enhanced cooperative initiatives and an increased DEA presence as drug problems spread to communities that once considered themselves safe from big-city problems. DEA's State and local task force program is an effective method of utilizing the collective resources of law enforcement by providing the increased manpower, training and resources necessary to combat this problem. DEA will continue its strong commitment to State and local task forces in the major cities, as well as testing and evaluating

the success of task forces in less populated areas of the country to ensure that this is the most effective way to fight the drug traffickers and their organizations.

DEA requests 27 positions (22 Special Agents) and \$4,394,000 including \$3,945,000 in special funding to establish new task forces. This will result in the participation of approximately 60 additional State and local law enforcement officers in four different areas of the country. Although demands by States and localities are substantially greater, DEA will continue to restrict the growth of the task force program to ensure that the program is well managed and that the resources devoted to it are used effectively.

With the enhancement included in this request, DEA's State and Local Task Force Program will expand to 107 task forces, including 68 program funded and 39 provisional task forces. These task forces will provide over 1,000 State and local enforcement officers with the training and experience necessary to fight drug trafficking in their local areas. In addition, it will provide many new local law enforcement organizations with the opportunity to benefit from asset sharing.

| Activity: Investigative Support | 1992 Appropriation Anticipated | | | 1993 Base | | | 1993 Estimate | | | Increases/Decreases | | |
|---|--------------------------------|-------|---------|-----------|-------|---------|---------------|-------|---------|---------------------|-----|--------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Intelligence..... | 322 | 321 | 20,407 | 322 | 321 | 22,286 | 322 | 321 | 22,286 | ... | ... | ... |
| Laboratory Services..... | 118 | 116 | 27,190 | 118 | 116 | 28,331 | 118 | 116 | 28,331 | ... | ... | ... |
| Training..... | 358 | 353 | 68,964 | 358 | 353 | 83,980 | 360 | 359 | 84,177 | 22 | 6 | 197 |
| Research, Engineering & Technical Operations..... | 121 | 112 | 43,456 | 121 | 112 | 44,119 | 121 | 112 | 45,119 | ... | ... | 1,000 |
| AOP..... | 1,594 | 1,574 | 203,180 | 1,594 | 1,574 | 227,212 | 1,616 | 1,580 | 228,409 | 22 | 6 | 1,197 |
| Total..... | | | | | | | | | | | | |

| Intelligence..... | 1992 Appropriation Anticipated | | | 1993 Base | | | 1993 Estimate | | | Increases/Decreases | | |
|---|--------------------------------|-------|---------|-----------|-------|---------|---------------|-------|---------|---------------------|-----|--------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| Intelligence..... | 322 | 321 | 20,407 | 322 | 321 | 22,286 | 322 | 321 | 22,286 | ... | ... | ... |
| Laboratory Services..... | 118 | 116 | 27,190 | 118 | 116 | 28,331 | 118 | 116 | 28,331 | ... | ... | ... |
| Training..... | 358 | 353 | 68,964 | 358 | 353 | 83,980 | 360 | 359 | 84,177 | 22 | 6 | 197 |
| Research, Engineering & Technical Operations..... | 121 | 112 | 43,456 | 121 | 112 | 44,119 | 121 | 112 | 45,119 | ... | ... | 1,000 |
| AOP..... | 1,594 | 1,574 | 203,180 | 1,594 | 1,574 | 227,212 | 1,616 | 1,580 | 228,409 | 22 | 6 | 1,197 |
| Total..... | | | | | | | | | | | | |

Long Range Goal: Identify, develop, analyze, and exploit information and intelligence necessary to enhance the effectiveness of drug law enforcement.

Major Objectives:

- o Provide tactical intelligence on the location and movement of specific targets which require an immediate law enforcement response.
- o Collect, analyze, and disseminate drug-related intelligence in direct support of investigations.
- o Provide intelligence support for money laundering cases and develop intelligence profiles and trends analyses to target enforcement efforts in money laundering investigations.
- o Provide intelligence support for enforcement of the Chemical Diversion Trafficking Act of 1988.

- o Provide current and comprehensive strategic intelligence on drug trafficking patterns and trends for use in DEA and national drug control policy planning.
- Base Program Description:** DEA's Intelligence Program is comprised of four components: the El Paso Intelligence Center (EPIC) and Investigative, financial, and strategic intelligence. Each serves a vital investigative support function.
- EPIC is a multi-agency facility providing the law enforcement community with all-source tactical intelligence pertaining to the interdiction of drugs, weapons, and aliens. EPIC provides 24-hour, 7 day-a-week support for drug law enforcement and interdiction operations.
- The Investigative Intelligence program exploits information available to DEA in direct support of active drug investigations. Such support is provided through the collection, collation, and analysis of the vast (and often conflicting) available information linking events and individuals involved in drug trafficking.
- The financial intelligence program focuses on the fiduciary aspects of the drug trade. The program supports enforcement efforts by providing direct case support through the identification of assets and the development of financial conspiracy investigations.
- The strategic intelligence program develops comprehensive assessments of drug trafficking patterns, availability and consumption trends, and long-range supply reduction assessments.

Assessment, Trends and Workload:

El Paso Intelligence Center (EPIC):

EPIC provides 24-hour, seven day-a-week support for drug law enforcement and interdiction operations at the federal, state, and local levels. During 1991, 713,547 information queries were made of EPIC by participating agencies. EPIC lookouts were instrumental in seizures of 1.7 kilograms of heroin, 20,253 kilograms of cocaine, 18,726 kilograms of marijuana, seven pounds of (liquid) hashish, 26 aircraft, 57 vessels, three vehicles, and \$117,002. The preceding seizure figures reflect only those seizures which were the result of active lookouts. EPIC provided continuous operational and analytical support to several multi-agency efforts to locate and destroy clandestine cocaine laboratories in South American source countries; to multi-agency efforts targeting drug interdiction along the Southwest border; and to interdiction efforts across the interstate and state highway systems.

Investigative Intelligence:

In 1991, the Investigative Intelligence program provided analytical support to a wide variety of investigations; support included intelligence file reviews, telephone toll analyses, document analyses, informant debriefings, and coordination between Headquarters and the field. This assistance contributed to hundreds of Class I arrests, along with significant seizures of drugs and the forfeiture of millions of dollars in assets.

In 1991, extensive research conducted by intelligence analysts led to the indictment of a major Bolivian trafficker and members of his trafficking organization and family. Intelligence analysts continue to support this investigation by assisting in trial preparation, debriefing defendants, and analyzing seized documents.

Intelligence analysts have conducted extensive file research on principal members of the Medellin and Cali Cartels. This intelligence was used to support ongoing criminal investigations and to prepare 100 Justice/Columbian Equivalency and Cali Cartel publications distributed to U.S. intelligence agencies and law enforcement officials worldwide. Analysts researched and analyzed DEA files to profile 440 other Colombian cocaine traffickers, helping in the extradition of 14 Colombian traffickers to the United States and the imprisonment of 15 others in Colombia.

Intelligence support to a San Francisco heroin investigation involving the seizure of 1,000 pounds of heroin in late June 1991 led to the identification of a major Southeast Asian organization which supplied this and several previous shipments of heroin to the United States.

Financial Intelligence:

In 1991, DEA intelligence analysts increased liaison activities with their foreign counterparts in an effort to provide guidance on drug money laundering issues. Ongoing cooperative investigations proved fruitful; one joint investigation alone led to the freezing of nearly \$70 million. Several European nations expressed interest in working even more closely with DEA in the coming years.

In 1990, the Financial Intelligence Program identified links between a major money laundering operation centered in Luxembourg and Panama and members of the Cali cartel. In 1991, records of these accounts were analyzed to support forfeiture proceedings worldwide, and more than 100 additional accounts have been identified. Several of these accounts have already been frozen in the United States while action has been taken to freeze accounts in Panama, the Channel Islands, Luxembourg, and Finland.

In 1991, intelligence analysts identified a multi-billion dollar international money laundering organization operating in the United States, Ecuador, Colombia, Bolivia, and Peru. Although the organization generally launders proceeds for the Cali and Medellin cartels using bogus gold shipments as a cover, analysis of financial documents disclosed over \$7 billion in Currency Transaction Reports (CTRs) and Currency or Monetary Instrument Report (CMIR) declarations by members of the organization over a four-year period. Additional research revealed the role of many previously unknown domestic and foreign companies and led to the identification of the organization's hierarchy. DEA shared this valuable intelligence with other federal agencies, including the FBI, the IRS, and Customs.

DEA's financial intelligence program continued its support of asset sharing with the Government of Colombia. In 1990, over \$230 million was seized directly from Colombian traffickers; future sharing of proceeds will considerably augment Colombia's ability to combat the cartels.

Strategic Intelligence:

The Strategic Intelligence Program implemented an assessment and reporting mechanism to rapidly identify and monitor shifting or emerging cocaine trafficking trends and patterns. In addition, the Strategic Intelligence Program sponsored a coca yield conference to discuss the existing factors and variables affecting coca production in Peru, Bolivia, and Colombia. The conference was attended by members of the intelligence community and law enforcement, policy makers, and country experts in coca research from Peru, Bolivia, and Colombia. The findings of the conference established the basis for further interagency research to determine coca yields and production.

The Strategic Intelligence Program prepared numerous drug situation reports and drug threat assessments relating to new trends and trafficking patterns. Examples include: Worldwide Cocaine Situation Report; Worldwide Heroin Situation Report; and Coca Cultivation and Cocaine Processing: An Overview. These reports are widely distributed to the intelligence and law enforcement communities and are furnished to senior policy making officials.

DEA's Strategic Intelligence Program coordinated closely with the State Department and the CIA in monitoring drug cultivation and production throughout the world. DEA worked closely in the State Department's preparation of the annual International Narcotics Control Situation (INCS) Report and is coordinating the publication of the 1991 National Narcotics Intelligence Consumers Committee (NNICC) Report.

Special Field Intelligence Program (SFIP):

SFIP's are probes that gather strategic, operational, and tactical intelligence to support DEA investigations, programs, special operations, and management of resources. The program plays a significant role in the development of confidential informants and serves as a catalyst for many DEA initiated investigations.

In 1991, Operation GREENBELT sources obtained information on corrupt military officers who were protecting clandestine airstrips and fields in Meyerit, Mexico. This information was presented to the Mexican Secretary of Defense through the American Defense Attache's Office. As a result, over 300 illicit fields were eradicated, and five military officers were removed from their posts for dereliction of duty. Operation GREENBELT has identified significant trafficking groups, crop yields, smuggling methods, and vehicles and ranches involved in drug cultivation and trafficking in Mexico. The data collected by this STRIP's sources has aided other agencies in making more realistic assessments regarding opium poppy and marijuana cultivation in Mexico.

In 1991, Operation BACKLASH was developed to provide tactical intelligence on the use of commercial maritime vessels and air cargo as a means of smuggling drugs from Colombian ports and airports to the United States and to foreign ports. Intelligence developed pursuant to Operation BACKLASH has led to the seizure of over 7,900 pounds of cocaine and 36,000 pounds of marijuana.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increases/Decreases | | |
|--------------------------|--------------------|------|----------|-----------|------|----------|---------------|------|----------|---------------------|------|-----|
| | Perm. | Pos. | WT. | Perm. | Pos. | WT. | Perm. | Pos. | WT. | Perm. | Pos. | WT. |
| Laboratory Services..... | 322 | 321 | \$20,407 | 322 | 321 | \$22,286 | 322 | 321 | \$22,286 | ... | ... | ... |

Long-Range Goal: Provide required laboratory support to ensure maximum achievement of enforcement, intelligence, and diversion control activities.

Major Objectives:

- o Provide timely analysis of DEA, FBI, and other Federal agency drug evidence.
- o Provide expert testimony in court cases.
- o Provide field assistance (clandestine laboratory investigations and seizures, and crime scene searches for trace drug evidence and fingerprints) to DEA and FBI Special Agents.
- o Assist DEA and the FBI in the development of conspiracy cases, monitoring of foreign drug distribution patterns, determination of origin of controlled substances by conducting in-depth signature analysis and ballistics examinations of DEA and FBI evidence (including tablets, capsules, and papers).
- o Assist other Federal agencies in forensic drug examinations and improve forensic drug capabilities of law enforcement agencies worldwide through training and interagency conferences.
- o Provide quantitative and qualitative analysis of drug evidence for those agencies that do not have the required expertise or facilities, primarily the Metropolitan Police Department, Washington, D.C.
- o Assist State and local laboratories to achieve self-sufficiency by publishing technical information on a regular basis and participating in national and local forensic sciences meetings; provide training to forensic chemists on new techniques and procedures; and support programs that enhance State and local laboratory capabilities.
- o Conduct research on new analytical techniques and monitor the emergence of new drugs of abuse.
- o Maintain a computerized data base of information on all exhibits of evidence analyzed by the DEA Laboratory System (including evidence from the FBI, U.S. Customs, other Federal and State and local agencies); responsible for the accuracy, timeliness, and integrity of the data in the STRIDE System.

- o Provide technical assistance and funding for the disposal of hazardous wastes "generated" by DEA as a result of clandestine drug laboratory seizures. Ensure that all hazardous materials and wastes are properly managed for the protection of DEA employees, the public health, and the environment.

Basic Program Description:

This program provides laboratory support services for the enforcement, intelligence, and diversion control activities of DEA. Enforcement activities are supported by the timely analysis of drug evidence by forensic chemists and presentation of expert testimony in court; by providing field assistance to agents on clandestine laboratory investigations and crime scene searches for trace drug evidence; and by conducting ballistics, in-depth, and signature analyses for the development of conspiracy cases. Intelligence activities are supported through heroin signature analyses which show the origin of the controlled substance and highlight foreign drug distribution patterns. Intelligence activities are also supported through the signature analyses of the Domestic Monitor Program which help monitor domestic drug distribution patterns and price/purity data at the retail level.

Diversion control activities are supported through ballistics examinations (comparison of microscopic tool markings with those of authentic/reference material) of tablets, capsules, and papers which provide information on illegal distribution of illicitly produced drugs, identifying possible illegal activity by Controlled Substance Act registrants.

This program also provides forensic drug laboratory support to the Organized Crime Drug Enforcement Task Forces and to the FBI, which has concurrent jurisdiction for the enforcement of federal drug laws, and provides support to other law enforcement agencies who do not have their own forensic drug examination capability or that require the special expertise of DEA forensic chemists. The laboratory program is also responsible for providing State and local agencies with technical assistance, beyond the expertise of the forensic laboratory servicing the agency, and for helping State and local forensic laboratories achieve self-sufficiency in the analysis of drug evidence for criminal investigations and prosecutions.

Accomplishments and Workload:

DEA laboratories analyzed 38,924 exhibits of evidence during 1991, of which 2,049 were for the FBI and 3,506 were for other Federal efforts. DEA chemists testified in 1,448 trials, and conducted over 1,300 ballistics examinations. DEA also identified 11 new illegal prototypes of tablets, 27 new types of LSD blotter paper that have entered the illicit drug market, and added 205 logos to the New Packaging Logo File in the Ballistics data base.

DEA laboratories provided field assistance in clandestine laboratories and vacuum searches for drug evidence on 175 occasions. In addition, DEA chemists conducted 622 Heroin Signature analyses and 1,307 analyses for Operation ChemCon.

Current projections for 1992 indicate a less than one percent increase in the analysis of drug exhibits, but a corresponding increase of nearly 13 percent in the number of court appearances. Projected workload data for the DEA Laboratory program are as follows:

| DEA Evidence Analyses | 1991* | | 1992 | | 1993 | |
|---------------------------|--------|----------|----------|----------|----------|----------|
| | Actual | Estimate | Estimate | Estimate | Estimate | Estimate |
| Number of Exhibits | 38,924 | 39,178 | 40,079 | | | |
| Court Appearances | 1,448 | 1,636 | 1,701 | | | |
| Field Assistance** | 175 | 197 | 205 | | | |
| Ballistics Examinations | 1,320 | 1,501 | 1,561 | | | |
| Heroin Signature Analysis | 622 | 703 | 731 | | | |
| Total | 1,307 | 1,476 | 1,535 | | | |

- * Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

22 Field Assistance includes involvement by chemists in clandestine laboratory investigations and vacuum searches for controlled substances.

In addition, DEA laboratories continued to support State and local law enforcement agencies. In 1991, DEA laboratories analyzed 7,294 drug exhibits, testified in 264 trials, conducted 20 ballistic examinations, published 12 issues of *ILICISALING*, conducted five training seminars for State and local forensic chemists, and one training seminar for 18 international forensic chemists. DEA forensic chemists continued to participate in regional, national, and international forensic science organizations by holding officer positions, participating on committees, and presenting scientific papers. Representatives of the laboratory system held several meetings with officials of foreign law enforcement agencies to coordinate intergovernmental scientific activities.

| | 1992 Appropriation | | | 1993 Budget | | | 1993 Estimate | | | Increase/Decrease | | |
|---------------|--------------------|-----|----------|-------------|-----|----------|---------------|-----|----------|-------------------|-----|--------|
| | Perm. | VL | Amount | Perm. | VL | Amount | Perm. | VL | Amount | Perm. | VL | Amount |
| Training..... | 116 | 116 | \$27,190 | 116 | 116 | \$29,331 | 116 | 116 | \$29,331 | ... | ... | ... |

Long-Range Goal: Establish, maintain, and enhance the mission-related skills of DEA personnel and teach drug law enforcement tactics and techniques to non-DEA personnel involved in controlling illicit drug trafficking.

Major Objectives:

- o Provide high quality entry-level training for all Special Agents, diversion investigators, intelligence analysts, and forensic chemists.
- o Offer advanced and specialized in-service training to all DEA investigative personnel in order to provide the most current enforcement, firearms, and safety instruction available.
- o Provide supervisory, mid-level management, and executive development training for appropriate agency personnel.
- o Provide foreign language training for all DEA personnel in need of such training.
- o Provide firearms training and weapons and supplies to DEA Agents.
- o Teach drug law enforcement tactics and techniques to State, local, military, and other federal government personnel involved in controlling illicit drug trafficking.

Basic Program Description: The Training Program is designed to provide DEA's work force with the skills and knowledge necessary to fulfill DEA's mission. Specialized training courses include entry level training; advanced and in-service specialty training; management and supervisory training; and foreign language training. DEA likewise provides training in basic, advanced, and specialized drug law investigation methods and techniques to State and local agencies, the military, and other federal agencies.

Accomplishments and Workload: Accomplishments of the DEA Training Program are presented in the following table:

| | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Estimate |
|---|-----------------|-----------------|------------------|------------------|
| General Training | | | | |
| Basic Agent** | | | | |
| Number of Classes | 8 | 12 | 7 | 7 |
| Number of Students | 310 | 529 | 244 | 284 |
| Basic Diversion Invest. | | | | |
| Number of Classes | 1 | 1 | 1 | 1 |
| Number of Students | 40 | 30 | 41 | 34 |
| Intelligence Specialist Training | | | | |
| Number of Classes | 4 | 3 | 4 | 1 |
| Number of Students | 113 | 64 | 100 | 33 |
| Forensic Chemist | | | | |
| Number of Classes | 4 | 1 | 2 | 1 |
| Number of Students | 72 | 21 | 42 | 6 |
| Specialized DEA Training | | | | |
| Asset Removal Schools | | | | |
| Number of Classes | 4 | 9 | 9 | 9 |
| Number of Students | 154 | 328 | 328 | 328 |
| Clandestine Laboratory | | | | |
| Number of Classes | 6 | 5 | 5 | 5 |
| Number of Students | 210 | 150 | 150 | 150 |
| Firearms Instructor | | | | |
| Number of Classes | 1 | 2 | 2 | 2 |
| Number of Students | 18 | 84 | 84 | 84 |
| Other Specialized Training*** | | | | |
| Number of Classes | 25 | 37 | 37 | 37 |
| Number of Students | 658 | 844 | 844 | 844 |
| Other Training* | | | | |
| Professional/Administrative, Technical/Clerical, & Other | | | | |
| Number of Students | 700 | 715 | 715 | 715 |
| Other Core Training | | | | |
| Number of Students | 300 | 238 | 238 | 238 |
| —Language Training | | | | |
| Number of Students | N/A | 334 | 325 | 325 |

State and Local Training

| | 1990* Actual | 1991* Actual | 1992 Estimate | 1993 Estimate |
|------------------------|-----------------|-----------------|------------------|------------------|
| Drug Unit Commander | 2 | 2 | 2 | 2 |
| Number of Classes | 70 | 80 | 80 | 80 |
| Number of Students | | | | |
| Basic Drug Enforcement | | | | |
| Number of Classes | 125 | 70 | 70 | 70 |
| Number of Students | 4,800 | 3,125 | 3,125 | 3,125 |
| Marijuana Eradication | | | | |
| Number of Classes | 10 | 32 | 15 | 15 |
| Number of Students | 250 | 1,561 | 750 | 750 |
| Clandestine Laboratory | | | | |
| Number of Classes | 6 | 4 | 4 | 4 |
| Number of Students | 210 | 150 | 150 | 150 |

* Actual workload statistics may differ from those printed in the 1993 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

** This includes all requested or newly appropriated Agent positions (including ODE) or Agent slots made available through attrition.

*** Other Specialized Training includes: Method of Instruction; Supervisory Training; H204; Executive Development; and Executive Management Schools.

International Training Accomplishments:

DEA conducted international drug enforcement training for 1,423 law enforcement personnel from 116 foreign countries in 1991. A similar number of foreign students are expected to be trained in 1992, including high level, foreign police officers brought to the United States for DEA's Executive Observation Program (EOP). By the end of 1992, more than 32,700 foreign officers and officials will have been trained by DEA since the program's inception in 1965.

| | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | | | | |
|---|--------------------|-------------|-----------|-------------|---------------|-------------|-------------------|-------------|---------|----|---|------|
| | Perm. | WT. Amount. | Perm. | WT. Amount. | Perm. | WT. Amount. | Perm. | WT. Amount. | | | | |
| Research, Engineering & Technical Operations..... | 358 | 353 | 846,964 | 358 | 353 | 983,980 | 380 | 359 | 684,177 | 22 | 6 | 9197 |

Long-Range Goal: Support DEA enforcement and intelligence programs through research, development, procurement, maintenance, and management of technical investigative equipment and aircraft, and provide assistance to ensure maximum achievement of the agency's mission.

Major Objectives:

- o Provide high quality technical/investigative support, radio communications, and polygraph support that will lead to increased productivity and effectiveness in investigations.

- o Increase the efficiency of agency field operations through the development of new or improved technical investigative devices, and application of scientific research.
- o Provide scientific and technological information, training, coordination, and liaison services for DEA and the national and international drug law enforcement and intelligence communities.
- o Acquire, maintain, and operate an efficient aircraft fleet with sufficient capabilities to meet all operational requirements.
- o Provide Special Agent/Pilots for domestic investigative support and foreign drug intelligence gathering and operational support.

Base Program Description: The Research, Engineering and Technical Operations Program addresses the following major program areas:

- o The Research and Engineering Program provides new technology and scientific support to the operational elements of DEA.
- o The Technical Operations Program makes optimal use of DEA's technical equipment, aircraft, and personnel resources in a manner that allows DEA investigative personnel to maximize their efforts, enhance their personal safety, and accomplish the agency's mission.
- o The Aviation Program is designed to increase the effectiveness of DEA's enforcement effort by offering speed, mobility, vantage, and other qualities unique to aircraft operations. Such qualities permit the successful pursuit of drug investigations not possible with surface vehicles.

Accomplishments and Workload:

DEA has continued to be at the forefront of efforts to improve the communication and cooperation on technology issues among all federal agencies working in the anti-drug effort. DEA sits on the Science and Technology Committee of the Office of National Drug Control Policy, as well as the Communications Interoperability Working Group, the Satellite Technology Working Group, and the I-26ant Working Group (an interagency working group) to enhance enforcement missions.

Following are some of the specific accomplishments in the areas of technical support and aviation:

Aviation Program

The number of air missions flown by DEA totalled 11,061 in 1991, involving 23,349 aircraft flight hours. This represents an increase of 32.7 percent in the number of mission hours flown over 1990. A total of 967 missions were flown using rented or loaned aircraft.

In 1991, approximately 80 percent of the missions and 77 percent of the flight hours were for domestic purposes; 20 percent of the missions and 23 percent of the flight hours were in support of foreign operations; and 67 percent of the total missions were for surveillance, search, and transport. In 1991, a total of 1,010 arrests were made as a result of utilizing air support. Approximately 52 percent of the arrests were Class I and II. In 1991, DEA had a 13 percent negative mission rate (or 1,461 unfilled mission requests).

Investigative Support and Radio Communications

Below are the workload statistics and projections for the investigative support and radio communications areas:

| Item | 1991 | | 1992 | | 1993 | |
|---------------------|--------|----------|----------|----------|----------|----------|
| | Actual | Estimate | Estimate | Estimate | Estimate | Estimate |
| Dial Number Records | 1,982 | | 2,050 | | 2,200 | |
| Title III's | 256 | | 290 | | 320 | |
| Polygraphs | 439 | | 470 | | 500 | |

Digital Voice Privacy/Data Encryption Standard (DVP/DES) radio systems have now been installed and are operational in all 19 DEA domestic divisions. In addition, over 2,300 dual band UHF/VHF mobile radios are now installed in DEA vehicles throughout the United States. These DVP/DES radios enable DEA personnel to communicate with other law enforcement agencies such as the FBI, U.S. Customs Service, U.S. Marshall Service, and State and local organizations.

In 1991, 439 polygraph exams were given in support of enforcement operations, employee investigations, and other agencies. The use of tracking and locating transmitters continued to be an important factor in enforcement operations. Over 100 different items were equipped with these devices to enable monitoring of aircraft, boats, chemicals, equipment, and contraband.

Research and Development

DEA continues to work with the Defense Advanced Research Project Agency (DARPA) and other law enforcement and intelligence communities to develop strategies and technologies to enhance drug law enforcement's capabilities. The results of this effort can be seen in the following examples:

- o A system has been developed to determine the source country of cannabis samples. The completed system will discriminate between samples from Colombia, Mexico, Jamaica, Thailand and the United States. In addition, an estimate on the magnitude of the outdoor cannabis crop in Hawaii was made using low altitude color and infrared photography.
- o Satellite, radio frequency, and cellular telephone tracking systems are being field tested. These systems provide "real time" locations of shipments and personnel.
- o Prototype automated "booking stations" are being tested. These stations provide all pertinent information regarding suspects and fugitives, including fingerprints, physical descriptions, and computer generated photographs. This intelligence can be readily transmitted to domestic and overseas offices to assist in apprehensions and identification.

Program Changes:

| | 1992 Base | | 1992 Estimate | | Increase/Decrease | |
|---|-----------|-----|---------------|-----|-------------------|-------|
| | Pos. | VL | Pos. | VL | Pos. | VL |
| Research, Engineering & Technical Operations..... | 356 | 353 | 360 | 359 | 22 | 6 |
| | | | | | \$84,177 | \$197 |

DEA requests 22 positions (18 Special Agents and four support), six workyears and \$1,963,000. This request directly supports DEA's strategic planning initiatives to strengthen operations through development of DEA's infrastructure. There will be an offsetting reduction of \$1,766,000 in technical equipment.

Pilots: DEA requests 22 positions (18 Special Agent/pilots and four support), six workyears and \$1,903,000. This request represents a multi-year plan to reach a ratio of 1.5 pilots per aircraft.

Aviation support can be the key to success of an enforcement mission; likewise, the lack of support can be the cause of its failure. Recognizing this, DEA requires all of its pilots to be Special Agents for a period of two years before joining the Aviation Program. This experience provides each pilot with valuable investigative experience that will enable them to be an asset to every investigation they support. Once a part of the Aviation Program, each pilot receives intensive training on the various aircraft used to support DEA's enforcement mission. It usually takes a pilot three to four years to become qualified to fly a turboprop aircraft similar to those used in South America in support of Operation Snowcap.

Providing a qualified crew for each mission that requires aviation support is difficult with limited resources. DEA's aviation program consists of approximately 100 aircraft and 106 pilots located in 36 different cities. A total of 15 pilots occupy management or administrative positions and do not usually fly in support of enforcement operations, leaving 91 pilots to fly support missions. This represents a ratio of less than one pilot for each aircraft.

Not all pilots are qualified to fly each of the aircraft in the fleet. For example, only one-third of the pilots are presently qualified to fly the Cessna 441 or helicopters. DEA must temporarily deploy pilots from domestic offices to fly the Cessna 441s in South America. In addition, over 50 percent of the aircraft in the fleet are multi-engine aircraft. Multi-engine aircraft are generally more complex than single-engine aircraft and as a result, two pilots are necessary to ensure their safe and effective operation. Since DEA does not even have one pilot for each aircraft, pilots must juggle their schedules from city to city to support enforcement missions.

For comparison purposes, the FBI has a total of 300 Special Agent pilots and 80 operational aircraft (including leased aircraft), a ratio of four pilots per aircraft. A total of 120 pilots are assigned to fly on a full-time basis, the remaining pilots are in a reserve status. FBI policy requires two pilots to fly any multi-engine aircraft.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|----------|--------------------|------|----------|-----------|------|----------|---------------|------|----------|-------------------|---------|
| | Perm. | Pos. | Amount | Perm. | Pos. | Amount | Perm. | Pos. | Amount | Pos. | Amount |
| ADP..... | 121 | 112 | \$43,456 | 121 | 112 | \$44,119 | 121 | 112 | \$45,119 | ... | \$1,000 |

Long-Range Goal: Provide high quality and timely automated data processing and telecommunications support sufficient to maximize achievement of the DEA mission.

Major Objectives:

- o Provide DEA Agents and intelligence analysts with investigative information in a manner that is faster and more complete than is currently possible.
- o Enhance DEA's investigative efforts through development of a capability of automatically indexing and abstracting investigative reports into various DEA data bases.
- o Continue improving the quality of information within existing DEA systems in support of DEA's mission and increase productivity in the delivery of information.
- o Ensure the security and integrity of data for all office, data processing, telecommunications, and teleprocessing systems.
- o Increase quantities, capabilities, and support of Office Automation equipment in the domestic and overseas offices.

- o Intelnet: a Systems Network Architecture (SNA) telecommunications protocol that will enable DEA to keep abreast of current communications technologies, as well as provide the ability for expansion.
- o Ensure DEA's continued computer operations through the development of the DEA Contingency Plan. This enables DEA to continue its operations in the event of a major catastrophe at the Justice Data Center (JDC) in Rockville, Maryland or the DEA computer facility at Lincoln Place.

Base Program Description: This program provides all ADP services to DEA on a worldwide basis. This responsibility includes the maintenance of a modern Data Base Management System (DBMS) with retrieval capability that can establish relationships between various DEA data bases while also significantly improving the ability to query and file within those data bases. In addition to the DBMS, the ADP program is responsible for continually reviewing DEA's system needs in order to identify and develop systems applications that will result in the application of ADP technology to DEA's mission in an effort to maximize the efficiency and effectiveness of the agency. DEA maintains a number of permanent systems, including the following: Narcotics and Dangerous Drugs Information System (NDDIS), Enforcement Management Information System (EMIS), PATRIINDER II, Controlled Substances Act System (CSA), System to Retrieve Information from Drug Evidence (SIRIDE), and DEA Accounting System (DEAS). Additionally, microcomputer applications are frequently developed for specific enforcement operations.

DEA has a requirement to support investigations of illicit drug operations worldwide. The highly transient nature of subjects under investigation requires the support of a Secure Communication System, which includes, for both domestic and foreign offices, secure voice, facsimile, teletypewriter communications, Communication Security (COMSEC) accounts, Law Enforcement Information Access Systems, and paging systems.

Accomplishments and Workload:

Office Automation: Office Automation (OA) training and installation have been completed in DEA Headquarters, the El Paso Intelligence Center (EPIC) and all field division with the exception of the New York field division. DEA is now attempting to get a Delegation of Procurement Authority to procure equipment for the New York division since all available quantities on the current OA contract have been used. In addition, DEA is planning a full and open competitive procurement for state-of-the-art equipment to meet future ADP requirements. A draft requirements analysis has been completed.

Foreign Support: A glossary diskette was created which included 48 commonly used forms (DEA/DOJ/OPM/GSA, etc.). The diskette and instructions on how to use it was sent to foreign offices using Wang PC 200/300 systems. A total of 34 stand-alone Wang PCs were sent to DEA foreign offices to replace the existing Edge PCs currently being used. To date, a total of 131 new PCs have been sent to our foreign offices to replace out-dated ADP equipment. Three new locations were added to the overseas data network in FY 1991. The new locations are Albrook AFB, Panama; Barranquilla, Colombia; and Rangoon, Myanmar. This brings the total number of active locations to 62. Four foreign installation and maintenance trips were performed in FY 1991 to South America, Central America, Mexico, and Europe. Preparation began for an installation and maintenance trip to the Far East.

Domestic Wordprocessing: All printers have been received at Headquarters and software has been loaded on printers. The printers were shipped to 27 divisions and laboratories. The software is currently being installed at the Laboratories, Headquarters, and the Division Offices.

Domestic Networks: Phase I of the transition of DEA data circuits from ARIE to US Sprint has been completed at the Division Offices and Resident Offices for all COMUS sites and San Juan, Puerto Rico. Phase II is currently underway. Phase II will connect the Division Offices with Headquarters and the other Division Offices (Backbone).

Computer Operations: Fourteen (14) Memorex Telex Controllers and Printers were acquired for the third party draft system for installation in DEA's field offices. However, due to required changes in communications access methods, modems were used in place of controllers.

Mountain Pass: There is an effort underway at the El Paso Intelligence Center (EPIC) to upgrade the EPIC Information System (EIS). This effort is called Project Mountain Pass. Mountain Pass will provide for an information system which will provide EPIC with an improved, integrated, and

automated information system in 1992. The EIS is intended to meet the current needs of EPIC and the participating agencies, as well as provide the infrastructure from which future (beyond 1995) information systems requirements will be met.

Contingency of Operations Plan (COP): DEA's Continuity of Operations Plan (COP) has been approved by the ADP Executive Committee. The Office of Information Systems (AIS) has defined, and is in the process of requesting support (from the Department of Justice) for the resources required for implementation of the COP.

Information Resources Management (IRM): The DEA IRM Strategic Plan was finalized and forwarded to the Department of Justice for departmental approval. An initial work effort of the on-going process of risk analysis/vulnerability assessment (RAVA), internal control reports, system security plans, and overall ADP security program are under contract and will be completed by the end of the third quarter FY 1992. In addition, the IRM Education Program is in the early stages of development. This program will provide the framework of concept. It addresses the questions: (1) What is IRM? (2) What has IRM done for DEA? (3) What can the IRM Program do for DEA? and (4) What are the responsibilities of DEA personnel to the IRM Program?

Multi-Source Query (MSQ): One of the most significant systems accomplishments is the installation of full text retrieval of MADDIS, EVENTS, CAPS, STRIDE, and TOLIS into the latest release of MSQ. The new version of MSQ has been installed and is currently available under the K204 production system. In addition, a First Name Table which allows a search on William to also find name variations (i.e., Bill, Guillermo, etc.) is now available through MSQ and is planned for MADDIS in the coming year.

MADDIS Security: The MADDIS System was released to the field in a full production mode in August 1991. This system limits the data as seen by non-DEA users and logs specific query information for distribution to the appropriate DEA offices.

Confidential Informant (CI): The new CI System was completed and fully implemented under K204. Due to the success of this new system under K204, the old MADDIS system which contained the informants has been archived and is no longer available to the users.

CRISCCROSS: CRISCCROSS telephone books (reverse directories) for the cities of Bogota, Barranquilla, Cali, and Medellin were updated for 1991. K204 software which provides access to these phone books was modified to allow for retrieval by name and/or address in addition to phone number. Addition: The Addition Aviation System has been successfully implemented in a production mode.

Certification and Accreditation of ADP Systems: The Office of Information Systems (AIS) is in the process of formulating and instituting a certification and accreditation program for ADP Systems for DEA.

Program Changes:

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-----------|-----------|----------|---------------|----------|-------------------|---------|
| | Pos. | MT | Pos. | MT | Pos. | MT |
| ADP | 121 | 112 | 121 | 112 | ... | ... |
| | | \$44,119 | | \$45,119 | | \$1,000 |

DEA is requesting \$1,000,000 in special funding which directly supports DEA's national narcotics intelligence system and technical case support at the El Paso Intelligence Center.

Systems: Operation Mountain Pass-EPIC ADP Upgrade

DEA is requesting \$1,000,000 in special funding to provide a 10 percent operations and maintenance base to support the upgrades accomplished under the Defense Information Systems Agency agreement.

The El Paso Intelligence Center (EPIC) is a 24-hour-a-day, seven day-a-week operation that provides information on the movement of illegal aliens, weapons, and drugs into and out of the United States. It is managed by DEA and staffed by personnel from eleven federal member agencies. EPIC provides intelligence support to Federal, State, local law enforcement agencies, and through the in-country U.S. law enforcement to foreign law

enforcement agencies engaged in counter narcotics and the movements of drug traffickers. EPIC's focus is to provide tactical and operational intelligence to help interdict transportation of aliens, firearms, and narcotics.

The computer system supporting EPIC was installed in 1975. This system is far behind the state-of-the-art and is reaching the end of its useful life. In 1991, in conjunction with the Department of Justice, the Office of the Secretary of Defense, and the Defense Information Systems Agency, DEA began a two-year effort to provide near and mid-term improvements to the El Paso Intelligence Center's ADP situation.

The overall objective of the EPIC improvement plan is to improve EPIC's information support system and related communications to satisfy its current and anticipated need rapidly. In accomplishing this objective, the project will improve the efficiency of EPIC staff by enhancing the utility, functionality, supportability, and performance of its information systems. The system that will be in place at the end of the project should satisfy most of EPIC's current needs. It should also provide a solid, open architecture base for future growth.

The project will do more than simply place individual technological improvements in the hands of the EPIC staff. It will ensure that improvements are consistent with the post-1992 objective architecture and that the EPIC staff is trained to use, operate, and maintain the system.

DEA is requesting \$1,000,000 to establish an operating and maintenance base to support the ADP enhancements accomplished in 1991 and 1992.

Support of intelligence programs will make the maintenance of state-of-the-art automation essential. Continued emphasis on the interagency cooperation between DEA, the Intelligence Community, and other Federal, State and local law enforcement agencies, coupled with the continued use of EPIC as the focal point for tactical intelligence, will be necessary.

The total ADP improvement project is estimated to be \$10 million. These funds are provided by (1) Section 1004 of the National Defense Authorization Act (\$4 million); (2) Treasury Postal Appropriation (\$4.90 million); and (3) Counter Narcotics Center fund (\$1.02 million). This project is expected to be completed in early fiscal year 1993.

These previous enhancements require an operations and maintenance base. DEA is requesting 10 percent of the total project cost, \$1,000,000 for this purpose.

| Activity/Program Direction | 1992 Appropriation Anticipated | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|------------------------------------|--------------------------------|------|---------|-----------|------|-----|---------------|------|-----|-------------------|------|-----|
| | Perm. | Pos. | WT. | Amount | Pos. | WT. | Amount | Pos. | WT. | Amount | Pos. | WT. |
| Executive Direction & Control..... | 396 | 308 | 835,946 | | 396 | 308 | 835,942 | 396 | 308 | 835,942 | ... | ... |
| Administrative Services..... | 287 | 277 | 25,278 | | 287 | 277 | 29,728 | 287 | 277 | 29,728 | ... | ... |
| Total | 683 | 665 | 61,924 | | 683 | 665 | 68,320 | 683 | 665 | 68,320 | ... | ... |

| Activity/Program Direction | 1992 Appropriation Anticipated | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--|--------------------------------|------|---------|-----------|------|-----|---------------|------|-----|-------------------|------|-----|
| | Perm. | Pos. | WT. | Amount | Pos. | WT. | Amount | Pos. | WT. | Amount | Pos. | WT. |
| Executive Direction & Control..... | 396 | 308 | 835,946 | | 396 | 308 | 835,942 | 396 | 308 | 835,942 | ... | ... |
| Long-Range Goal: Develop, maintain, and provide effective and efficient management, executive direction and control functions to ensure maximum achievement of the Agency's mission. | | | | | | | | | | | ... | ... |

Major Objectives:

- o Provide quality management direction and control through policy development. Provide accurate and timely information to the Congress, to specific interest groups and to the public regarding DEA's mission and activities. Implement the DEA Strategic Management System (SMS) to provide comprehensive, fully-integrated policy direction to DEA offices worldwide. Provide a full range of legal services to the Agency. Provide centralized program coordination and reporting of asset forfeiture processing.
- o Provide effective budget planning, formulation, and execution. Provide an efficient DEA financial accounting and reporting system in compliance with OMB/DAO directives. Strengthen management procedures and internal controls via OMB circulars A-123 and A-76.
- o Investigate instances of integrity misconduct within DEA.
- o Maintain financial accuracy and timeliness through internal audits.
- o Effectively monitor and evaluate all programs within DEA through inspections for mission accomplishment and operational performance. Provide physical, facility, and information security to DEA.
- o Continue an effective strategic planning process for DEA, including the development of the Strategic Management System and the Field Management Plan.
- o Establish statistical systems for government-wide and DEA drug seizures, drug arrests, and assets seizures, and serve as a clearinghouse for all DEA operational statistics.

Base Program Description: This program is responsible for setting policy, and providing solutions to problems in program formulation, management functions and internal control, as well as ensuring the effective development and utilization of resources so that strategic goals and objectives continue to be met.

- o Staff Operations: This area responds to Congressional, media and public inquiries, provides DEA officials with reports on Congressional activities; issues press releases; prepares text of speeches, outlines, talking points, and Congressional testimony; and prepares legal briefs, opinions, presentations and provides technical legal training in regulatory and criminal matters, civil litigation, seizures, forfeiture of assets, personnel, Equal Employment Opportunity, procurement and international matters.
- o Financial Management: This area prepares DEA's budget; develops and maintains DEA's resource allocation plans; and provides the operation and supervision of DEA's accounting system.
- o Planning and Inspection: This area advises management on all matters pertaining to planning, policy analysis, organization control, statistical systems, personnel, document and physical security and integrity/misconduct matters.

Accomplishments and Workload:**Civil/Administrative Law**

DEA's Administrative Law Section (CAL) handled 977 civil and administrative actions including tort claims, civil litigation, subpoenas, procurement matters, personnel and EEO matters, and general administrative matters. Staff members provided litigation support in procurement and personnel related litigation, and represented the Agency before United States District Courts, Boards of Contract Appeals, the General Accounting Office, the Equal Employment Opportunity Commission and the Merit Systems Protection Board. DEA's Civil Litigation Section (CLL) logged in 190 new assignments (tort claims, lawsuits, subpoenas matters, etc.), provided litigation support in civil actions around the United States, and processed claims presented

Criminal Law

DEA's Criminal Law Section reviewed 124 applications for court orders authorizing electronic surveillance, 36 requests for approval to conduct reverse undercover operations, and revised the disciplinary records of 110 DEA employees in response to defendants' demands for "gray" material concerning these employees. This section also reviewed nine cases involving special undercover operations, submitted five legislative amendment proposals to the Department of Justice, provided input and assistance to the Department in six criminal appellate cases, provided 70 opinions on legal matters to various DEA components, provided three memoranda concerning judicial decisions and drafted on DEA-wide policy memoranda. Staff members also handled 25 discovery matters, assisted in the preparation of 16 Memoranda of Understanding, responded to 10 Congressional inquiries, and provided training on behalf of DEA on 12 occasions.

Articles Prosecution

DEA attorneys provided advice to the Agency's Miami Division Office regarding chain of custody procedures for handling evidence seized in Panama and -

Intelligence Law

Staff members provided advice to the Office of Intelligence (OI) on intelligence sharing, intelligence dissemination procedures, and proposed operations and programs. DEA participated in legal panels at conferences sponsored by the Office of Intelligence, the Department of Defense (DoD), the Intelligence Community (IC) Legal Conference, the OGC's Data Task Team, and the monthly meetings of the CIA Counter narcotics Center Lawyers Group. Further, staff members provided briefings for OI, EPIC, visiting Intelligence Community representatives, and DoD personnel on the Intelligence Group with the IC.

International Law and Affairs

Criminal Law staff members provided advice on intelligence sharing, intelligence dissemination procedures, and proposed operations and programs. They also expended numerous workhours on international law and affairs, reviewed and coordinated with the Department of State responses to subpoenas and requests for DEA personnel to provide testimony in foreign countries. Staff members also reviewed all memoranda to the Foreign Assistance Act that may affect DEA foreign operations, provided legal advice on the proposed amendment to 22 U.S.C. 2291 (c) (commonly known as the Mansfield Amendment), and reviewed and provided legal comment on Memoranda of Agreement with foreign law enforcement agencies. Further, DEA provided briefings for visiting foreign leaders regarding U.S. criminal justice system and narcotics laws and assisted in the preparation of and attended the oral argument in the U.S. Supreme Court of United States v. Beng Harling Verdugo-Urcidaz, providing DEA Headquarters and the field with a synopsis and analysis of the Court's written opinion of that case.

Diversion

DEA's Diversity/Regulatory Section's workload remained heavy in 1991 due to the preponderance of administrative revocation and denial cases based on public interest regulations. These cases require considerably more work from the initial stages through final resolution. Since the DEA proceeding is likely to be the only threat of actual discipline or loss of licensure (regulation) faced by the registrant, the majority of these cases result in hearings before an administrative law judge. It is estimated that over 100 cases will be docketed by the Office of Administrative Law Judges in 1992.

Assets Forfeiture

In 1991, DEA processed over 18,616 asset seizures having a total appraised value in excess of \$940 million. DEA also administratively forfeited 11,539 assets valued at \$151 million. Also, over 16,000 requests for State and local revenue sharing were processed and approved with \$218 million directly resulting from DEA initiated cases.

Planning and Policy Analysis

The Office of Planning and Policy Analysis further refined DEA's Strategic Management System (SMS), which translates National Policy affecting DEA into an overarching, drug-specific strategy. Linkages among the nine components of the SMS ensure that all elements of DEA are supporting and enhancing the National Drug Control Strategy in a pro-active, efficient, and effective manner. The fully automated Field Management Plan (FMP) process ensures that the three year planning cycle integrates the budget, financial plan, and overall management activities.

DEA's Office of Inspections conducted regularly scheduled cyclic inspections, audits, and Special Reviews of its field division offices, foreign offices, laboratories, and Headquarters offices. These inspections focus on compliance with DEA regulations and standard operating procedures to ensure that agency operations are efficient.

DEA provided liaison assistance for approximately 101 General Accounting Office, Inspector General or other audit/study activities. Staff members played significant coordinating roles in support of the Cartagena Summit and in planning for its follow-up as well as for the Attorney General's Violent Crime Conference. In addition, staff members provided support for the development of DEA's Integrity Assurance Program, including preparation of the Premier Issue of *Integrity Assurance Notes* and briefing material for presentation at the annual IADP Conference and other select forums. Further, staff provided noteworthy input to the Kingpin, National Heroin, and Andean Strategies as well as development of the Associate Inspector Program.

The review of the uses of statistical information by DEA program managers resulted in an extensive redesign of the Agency's Annual/Quarterly Statistical Report series and the formulation of new policies on the use of statistics by DEA managers. DEA also developed a new sampling methodology for drug evidence analyzed by DEA laboratories, processed nearly 47,000 arrest and disposition reports for automated data capture, and responded to 550 requests for statistical information.

DEA continued to provide security assistance to DEA facilities worldwide. Numerous security surveys have been, or will be undertaken to upgrade offices. DEA is ensuring that proper security is installed in newly acquired space. ADP security remains a priority concern, policies are updated regularly to reflect changes in equipment and software.

Congressional and Public Affairs

The Office of Congressional and Public Affairs coordinated the preparation of 14 Congressional hearings, 68 formal briefings, 12 legislative summaries, 1,010 Congressional letter responses, and 532 Congressional telephone inquiries. Staff members responded to approximately 5,000 media substantive inquiries from U.S. and international media representatives, 568 requests for interviews with DEA officials, and approximately 5,000 media related calls from DEA personnel in domestic and foreign offices. Further, staff members completed 32 video productions and 566 photographic assignments.

Communication Services

Communication Services staff prepared 376 responses to constituent inquiries, 108 speeches for the Administrator or other DEA executives, and 74 reports for the Department of Justice or other Federal Executive Branch agencies. In addition, over 40,000 publications were distributed to the general public.

Demand Reduction

Program planning was initiated for the development of DEA's National Demand Reduction Strategy. National Priority Programs being designed will focus on Law Enforcement Training, Community-Based Coalitions, User Accountability, Drugs in the Workplace, Sports Drug Awareness, International Assistance, and Minority/High-Risk Use. The Demand Reduction Program carried out by Headquarters' Staff and Field Division Demand Reduction Coordinators, continued to deliver a wide-range of training and technical assistance to policy makers, practitioners, and other members of law enforcement, school, business and community organizations.

Financial Management

DEA processed 2,809 permanent change of station vouchers, 618 relocated income tax allowance vouchers, 40,800 temporary duty vouchers, 80,661 commercial invoices, 356 Department of State billings, 192 flat-rolls, and 169,500 imprest subvouchers, 1,493 OPA/C/SIACs, and 6,867 other billings.

| | 1990 | 1991 | 1992 | 1993 | Change | 1993 |
|---------------------------------------|--------|--------|----------|--------|--------|----------|
| | Actual | Actual | Estimate | Base | | Estimate |
| Office of Inspection* | | | | | | |
| Inspections | 30 | 32 | 34 | 35 | ... | 35 |
| Audits | 5 | 8 | 10 | 12 | ... | 12 |
| Special Reviews | 10 | 10 | 10 | 10 | ... | 10 |
| Schedules of Findings | 88 | 120 | 130 | 140 | ... | 140 |
| Planning & Policy Analysis | | | | | | |
| Program Studies | 24 | 21 | 30 | 36 | 6 | 42 |
| Policy Analyses | 128 | 136 | 150 | 180 | 20 | 200 |
| DOJ/GAO Liaison | 85 | 101 | 120 | 140 | ... | 140 |
| Statistical Services | | | | | | |
| Arrest & Disposition | | | | | | |
| Report Processed | 46,298 | 46,950 | 46,000 | 47,000 | ... | 47,000 |
| Statistical Information | | | | | | |
| Requests | 525 | 550 | 575 | 600 | ... | 600 |
| Security | | | | | | |
| Personnel Security | | | | | | |
| In-Service Reviews | 700 | 1,250 | 1,600 | 1,600 | 400 | 2,000 |
| Clearance Upgrades | 475 | 430 | 900 | 800 | ... | 800 |
| Initial Background | | | | | | |
| Investigation | 1,550 | 3,250 | 3,000 | 3,500 | ... | 3,500 |
| Background Invest. | | | | | | |
| Contractor Personnel | 710 | 1,310 | 1,800 | 1,900 | ... | 1,900 |
| Physical Security | | | | | | |
| Surveys | 47 | 60 | 60 | 70 | ... | 70 |

* Data provided by the Office of Inspection for 1991 is based on midyear statistical projections, not year end actuals.

| | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|------------------------------|--------------------|-----|----------|-----------|-----|----------|---------------|-----|----------|-------------------|-----|--------|
| | Perms. | WT | Amount | Perms. | WT | Amount | Perms. | WT | Amount | Perms. | WT | Amount |
| Administrative Services..... | 287 | 277 | \$25,978 | 287 | 277 | \$25,758 | 287 | 277 | \$25,758 | ... | ... | ... |

Long Range Goal: Provide effective and efficient administrative support to ensure maximum achievement of DEA's mission.

Major Objectives:

- o provide effective position management and appropriate compensation of employees, including merit pay, benefits, awards, and retirement services.
- o Guide and assist the processing of all disciplinary actions and grievances, and establish policy for performance appraisals.
- o Validate personnel procedures and practices in areas of employee performance appraisal, selection, promotion, and discipline.
- o Provide necessary health services, including drug testing and employee assistance on personal and behavioral problems affecting performance and well-being.
- o Manage office and special purpose space to meet DEA requirements.
- o Provide effective management in administrative areas for employees concerning relocation, procurement, contracting, and office services.
- o Recruit, staff, and manage DEA employees according to Equal Employment Opportunity regulations and procedures.
- o Upgrade the maintenance, retrievability, and disposition of DEA files through the application of records management practices and technology.
- o Provide responsive directives to management services for prompt dissemination of policy and procedures.
- o Provide effective reports management through cost benefit analysis, management of a reports information database, and periodic reviews of reporting requirements.
- o Provide specialized forms design and analysis for drug enforcement programs and electronic data processing systems.
- o Under the Freedom of Information and Privacy Act regulations, respond to all requests to DEA involving Freedom of Information and/or Privacy Act information.
- o Provide information analysis using on-line database retrieval systems in support of overall enforcement requirements.

Base Program Description:

Records Management: Records management provides development and implementation of policy and procedures for DEA records management program and systems, including reports management, form analysis and design, files maintenance, records disposition, directives disposition, correspondence management, and systems and procedures studies.

Investigative Records: Investigative records maintain hard copy filed on drug investigations conducted by DEA worldwide, and drug intelligence reports received from the FBI and other agencies. Reports in these files are source documents for MADIS, a computerized database. The Investigative Records Unit is responsible for extracting pertinent information from these reports and entering it into MADIS.

The program also maintains the Case Status subsystem of the Enforcement Management System, an on-line information system that has been designed to store, organize, and provide information about DEA case and general files on all DEA cooperating individuals. This information is entered into a highly secure, computerized database (EHIS II), a central file of all disclosures of information to individual and agencies outside the Department of Justice as required by the Privacy Act of 1974. Names in these hard copy records are extracted and recorded on microfiche to provide an audit trail.

Library: The DEA library collection of 12,000 volumes is one of the largest collections of drug abuse and drug law enforcement material in the Washington area. The library also maintains a collection of 175 DEA produced studies and reports for staff reference, and accesses three on-line computer systems: DIALOG and LEIS contain over 300 different databases with over 200 million records. Information from these systems has mobile DEA to perform more in-depth investigations and research; OLC is used for cataloging and interlibrary loan. The library collections are used extensively by DEA personnel, other government agencies, and non-government organizations.

Personnel Operations: An efficient personnel program is required to recruit and bring on-board a variety of dedicated and proficient staff in order to carry out the difficult and diversified function inherent in DEA mission responsibilities. The need for a highly mobile force located in every State and in over forty countries throughout the world, adds to personnel operations problems and workload. All personnel work, other than limited clerical functions, is centralized in Washington, D.C.

DEA personnel operations require comprehensive attention to: classification; pay and position management; employee relations; assistance and benefits; recruitment and placement; health and safety; personnel systems automation development; and validation and analysis of personnel procedures. The Office of Personnel advises and assists managers and employees on personnel matters, develops policy and provides guidance for the effective management of the workforce.

Equal Employment Opportunity: EEO programs ensure that DEA focuses on legal and moral responsibilities in acquiring and managing its workforce. This prevents discrimination and morale problems and assures the equitable treatment of all DEA employees.

General Services: The General Services staff responds to all of DEA's administrative support requirements, including: the acquisition and utilization of space; operation, maintenance, and repair of office and special facilities; permanent change of station orders; relocation benefits; office supplies; formal procurement contracts and requisitions; office furniture and equipment; and DEA's motor vehicle fleet.

Accomplishments and Workload:

Facilities Management: DEA supports 154 domestic offices, eight forensic laboratories, and 62 foreign offices. It operates and maintains two 12-story office buildings of approximately 400,000 square feet at its headquarters in Arlington, Virginia. It is responsible for the operation, maintenance, and repair of its solely owned El Paso Intelligence Center (EPIC) which covers ten acres and approximately 57,000 square feet of office/computer space. It is directly responsible for the management of 51 delegated lease locations totalling 326,000 square feet. The design of the Aviation administrative and maintenance facility should be completed in 1991 and construction should be completed by the end of 1992; this facility is the total responsibility of DEA for operation, maintenance, and repairs.

Property Management: DEA seized 5,020 vehicles and placed 544 seized vehicles into service in 1991.

Transportation: DEA completed 978 employee transfers during fiscal year 1991. In addition, there were 900 passport and 893 visa requests processed. The transportation unit also processed 83 tour renewals and 54 education travel requests.

Personnel: DEA hired 664 employees, of which 267 were Special Agents. Of the 267 Basic Agent Trainees, nine are pilots, 62 are fluent in one or more foreign languages, three have law degrees, 11 have accounting or financial backgrounds, 130 have law enforcement backgrounds, and 11 have Masters Degrees.

During the year, DEA assisted 1,847 employees and family members through employee assistance counseling and services. In addition, DEA completed 460 physical examinations, 2,500 medical reviews, and processed 3,293 clinic visits. DEA also processed 70 retirements and approved 696 award actions.

Records Management: The Records Management office processed 480,670 investigative reports and opened 27,119 investigative files during 1991. A total of 913,260 MAD01S records were updated or created, increasing the database to 2,933,720 records.

Drug Enforcement Administration
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | BEQAP | | Base & Local Tuition Forfe | | Research, Engineering & Technical Operations Increase | | Technical Operations Decrease | | ADP | | Total | |
|---|-------|---------|-------------------------------|---------|--|--------|----------------------------------|--------|------|--------|-------|---------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grants | | | | | | | | | | | | |
| 01 - 13 | 53 | \$2,840 | 22 | \$1,054 | 10 | \$840 | | | | | 83 | \$4,497 |
| 01 - 6 | 13 | 298 | 6 | 102 | 4 | 82 | | | | | 22 | 480 |
| AD pay for attorneys | | | | | | | | | | | | |
| Total salaries and annual rate | 66 | 3,838 | 27 | 1,156 | 22 | \$42 | | | | | 115 | 4,807 |
| Lapses (-) | (48) | (2,109) | (50) | (987) | (16) | (78) | | | | | (65) | (3,461) |
| Other personnel compensation | 4 | 182 | 2 | 71 | 7 | 30 | | | | | 7 | 271 |
| Total salaries and personnel compensation | 21 | 863 | 6 | 1,033 | 7 | 30 | | | | | 37 | 2,107 |
| Personal benefits | | | | | | | | | | | | |
| Travel and transportation of persons | | 405 | | 188 | | 137 | | | | | | 10 |
| Transportation of things | | 258 | | 710 | | 85 | | | | | | 1,033 |
| OSA rent | | 153 | | 48 | | 50 | | | | | | 248 |
| Rental payments to others | | 122 | | 271 | | 41 | | | | | | 434 |
| Communications and utilities | | 3 | | 6 | | 1 | | | | | | 10 |
| Printing and reproduction | | 105 | | 378 | | 33 | | | | | | 518 |
| Other services | | 638 | | 1,460 | | 312 | | | | | | 15 |
| Supplies and materials | | 131 | | 292 | | 42 | | | | | | 3,736 |
| Equipment | | 2,839 | | 4,008 | | 953 | | | | 1,000 | | 463 |
| Total program workyears and obligations | | | | | | | | | | | | 8,034 |
| changes requested, 1993 | 21 | 5,895 | 9 | 8,394 | 7 | 1,993 | | | | 1,000 | 37 | 19,498 |

Drug Enforcement Administration

Salaries and Expenses

**Status of Congressionally Requested
Studies, Reports, and Evaluations**

1. The Conference Report relating to the Department of Justice Appropriations Act, 1992, required the Drug Enforcement Administration to report to Congress on the status of the proposed Affiliated Practitioners' regulation prior to implementation of a final regulation. The Drug Enforcement Administration is reviewing the proposed rule in light of new information gleaned from the comments received from interested parties. The Drug Enforcement Administration is aware of the reporting requirement and will comply prior to making a final rule on this regulation.

Drug Enforcement Administration

Salaries and Expenses

Priority Ranking

| Base Program | | Program Increases | |
|--|---------|--|---------|
| Program | Ranking | Program | Ranking |
| Domestic Enforcement | 1 | State & Local Task Forces | 1 |
| Special Enforcement Operations/Programs | 2 | Research, Engineering & Technical Operations | 2 |
| State & Local Task Forces | 3 | Special Enforcement Operations/Programs | 3 |
| Foreign Cooperative Investigations | 4 | ADP | 4 |
| Diversification Control | 5 | | |
| Intelligence | 6 | | |
| Laboratory Services | 7 | | |
| Research, Engineering & Technical Operations | 8 | | |
| ADP | 9 | | |
| Training | 10 | | |
| Administrative Services | 11 | | |
| Executive Direction and Control | 12 | | |

Drug Enforcement Administration
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1991 - 1993

| Category | 1991 | | 1992 | | 1993 | |
|--|------------|-------|------------|-------|------------|---------------------|
| | Authorized | Total | Authorized | Total | Adjustment | Program Increases * |
| Attorneys (905) | 32 | 32 | 32 | 32 | | |
| Other Legal and Kindred (900 - 999) | 15 | 15 | 15 | 15 | | |
| Legal Instruments Examining Series (983) | 29 | 29 | 29 | 29 | | |
| General Investigating Series (1810) | 421 | 421 | 421 | 421 | | |
| Criminal Investigating Series (1811) | 2,762 | 2,832 | 2,832 | 2,832 | (16) | 93 |
| Miscellaneous Inspectors Series (1802) | 75 | 75 | 75 | 75 | | |
| Other Miscellaneous Occupations (001 - 099) | 16 | 16 | 16 | 16 | | |
| Intelligence Series (132 - 134) | 428 | 428 | 428 | 428 | | |
| Personnel Management (200 - 299) | 88 | 88 | 88 | 88 | | |
| General Administrative, Clerical and Office Services (300 - 399) | 1,735 | 1,797 | 1,797 | 1,819 | | 22 |
| Biological Sciences (400 - 499) | 4 | 4 | 4 | 4 | | |
| Accounting and Budget (500 - 599) | 101 | 101 | 101 | 101 | | |
| Medical, Dental and Public Health (600 - 799) | 7 | 7 | 7 | 7 | | |
| Engineering and Architecture Group (800 - 899) | 6 | 6 | 6 | 6 | | |
| Information and Arts Group (1000 - 1099) | 19 | 19 | 19 | 19 | | |
| Business and Industry Group (1100 - 1199) | 9 | 9 | 9 | 9 | | |
| Physical Sciences Group (Other than Chemists) (1300 - 1399) | 10 | 10 | 10 | 10 | | |
| Chemist Series (1320) | 214 | 214 | 214 | 214 | | |
| Library and Archives Group (1400 - 1499) | 3 | 3 | 3 | 3 | | |
| Mathematics and Statistics Group (1500 - 1599) | 10 | 10 | 10 | 10 | | |
| Equipment, Facilities and Service Group (1600 - 1699) | 40 | 40 | 40 | 40 | | |
| Education Group (1700 - 1799) | 3 | 3 | 3 | 3 | | |
| Supply Group (2000 - 2099) | 22 | 22 | 22 | 22 | | |
| Transportation (2100 - 2199) | 6 | 6 | 6 | 6 | | |
| Ungraded (Wage Grade & Foreign Service Local) | 21 | 21 | 21 | 21 | | |
| Total | 6,078 | 6,208 | 6,208 | 6,307 | (16) | 115 |
| Washington | 1,303 | 1,303 | 1,303 | 1,303 | | |
| U. S. Field | 4,366 | 4,498 | 4,498 | 4,597 | (16) | 115 |
| Foreign Field | 407 | 407 | 407 | 407 | | |
| Total | 6,078 | 6,208 | 6,208 | 6,307 | (16) | 115 |

*Special agent increases for 1992 and 1993 reflect position reductions required to offset absorption of unfunded pay and benefit increases.

Drug Enforcement Administration
Salaries and expenses
Summary of Change
(Dollar in thousands)

| | Perm. Pos. | Work- Years | Amount |
|---|---------------|----------------|-----------|
| 1992 as enacted..... | 6,236 | 6,113 | \$716,653 |
| Adjustments in permanent positions and workyears..... | (29) | (29) | ... |
| 1992 appropriation anticipated..... | 6,206 | 6,085 | 716,653 |
| Adjustments to base: | | | |
| Transfers in the estimates: | | | |
| Special Forfeiture Fund..... | ... | ... | 4,000 |
| Assets Forfeiture Fund Capital Surplus..... | ... | ... | 12,800 |
| Total transfers..... | ... | ... | 16,800 |
| Mandatory increases: | | | |
| Annualization of 1992 pay raise..... | ... | ... | 3,898 |
| 1993 pay increases..... | ... | ... | 12,264 |
| Annualization of positions approved in 1992..... | ... | 60 | 9,773 |
| Special Pay Raise..... | ... | ... | 626 |
| Federal Law Enforcement Pay Reform Act of 1990..... | ... | ... | 3,179 |
| General Pay Reform Act Annualization..... | ... | ... | 829 |
| Federal Insurance Contribution Act (FICA)..... | ... | ... | 201 |
| Health benefits..... | ... | ... | 1,176 |
| Foreign Allowance..... | ... | ... | 483 |
| Accident Compensation..... | ... | ... | 1,035 |
| Unemployment Compensation - Redistribution..... | ... | ... | 23 |
| Distributed Administrative Support (DAS)..... | ... | ... | 578 |
| Travel: mileage..... | ... | ... | 11 |
| JUST..... | ... | ... | 3 |
| Postage..... | ... | ... | 24 |
| General Services Administration (GSA) Rent..... | ... | ... | 13,229 |
| GSA Recurring Reimbursable Services..... | ... | ... | 745 |
| General Pricing Level Adjustments..... | ... | ... | 2,792 |
| Total, mandatory increases..... | ... | 60 | 50,987 |
| Decreases: | | | |
| One Less Compensable Day..... | ... | ... | (1,408) |
| Non-recurring decreases..... | ... | ... | (10,200) |
| Adjustments on positions and workyears decreases..... | (16) | (16) | ... |
| Total decreases..... | (16) | (16) | (11,608) |
| 1993 Base..... | 6,192 | 6,149 | 772,812 |
| Program increases..... | 115 | 30 | 15,456 |
| 1993 Request..... | 6,307 | 6,179 | 788,268 |

| | Pos. | WY | Amount |
|--|------|----|---------|
| 5. Federal Law Enforcement Pay Reform Act of 1990 | | | \$3,179 |
| The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic pay and benefits provisions, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes only annualization of costs for mandatory items in the Act for the first quarter of the year. | | | |
| 6. General Pay Reform Act Annualization | | | 929 |
| The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 Federal employees occupying two - grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll reports and provided for new positions, appropriate benefits, vacancy rates and cost-of-living increases. | | | |
| 7. Federal Insurance Corporation Act (FICA) | | | 201 |
| Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$3,000 is computed based on the increase in the base rate. | | | |
| 8. Health Benefits | | | 1,176 |
| The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. The requested increase of \$1,176,000, provides funds for actual increased costs from pay period 1 to pay period 2 of 1991 projected for a full year. | | | |
| 9. Foreign Allowance | | | 483 |
| Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$483,000 provides 5 percent more than the \$9,660,000 budgeted for 1992. | | | |
| 10. Accident Compensation | | | 1,035 |
| This increase reflects the billing provided by the Department of Labor for the actual costs in 1991 of employees' accident compensation. The 1993 amount will be \$1,035,000 over the 1992 base. | | | |
| 11. Unemployment Compensation | | | 23 |
| This increase reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billing, a redistribution of the Department's base is necessary. The 1993 amount will be \$23,000 over the 1992 base. | | | |
| 12. Distributed Administrative Support (DAS) | | | 576 |
| Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS. DOS advises that a 10 percent increase in foreign operations costs is anticipated in 1993. The increase of \$576,000 is based on a 1992 base availability of \$5,760,000. | | | |
| 13. Travel: Mileage | | | 11 |
| The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 25 cents. This increase provides \$11,000 for this change in allowance. | | | |

| | Pos. | WY | Amount |
|---|------|------|----------|
| 14. JUST | ... | ... | \$3 |
| The JUST system is a telecommunications system which provides data transmission as well as access to the National Crime Information Center. The connectivity charge reflects half charges that users must pay to American Telephone and Telegraph and life companies. The mandatory covers the increase of the charge from the present level of \$165 to \$253 per terminal per month. | | | |
| 15. Postage | ... | ... | 24 |
| The United States Postal Service anticipates an increase in first class rates from 29 cents to 30 cents in early 1982. This increase of \$24,000 provides for a 3.4 percent increase above 1980 actual usage for first class postage. | | | |
| 16. General Services Administration (GSA) Rent | ... | ... | 13,229 |
| GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has allowed an overall 10.43 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the building the organization is actually occupying. The requested increase of \$13,230,000 provides for the total increase over the expected 1982 billing level. | | | |
| 17. GSA Reimbursable Services | ... | ... | 745 |
| Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. Increase amounts by organization vary based on anticipated actual billings. This request for \$745,000 includes a Departmental redistribution that more accurately spreads the current resources. | | | |
| 18. General Pricing Level Adjustments | ... | ... | 2,792 |
| This request applies OMB pricing guidance as of December 12, 1981 to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates. | | | |
| Total, mandatory increases | ... | 80 | 50,987 |
| Decreases: | ... | ... | ... |
| 1. One less compensable day | ... | ... | (1,408) |
| The annual salary rate for Federal employees is based on 260 paid days. 1983 has one less compensable day (261) than 1982 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$968,000 for pay and \$422,000 for benefits. | | | |
| 2. Non-recurring decreases | ... | ... | (10,200) |
| This decrease reflects the non-policy nonrecurring of costs associated with positions approved in 1982. Included are background investigations change of duty station, training, and technical/investigative, operating, vehicle, radio, and office automation equipment costs. | | | |
| 3. Adjustments in permanent positions and work years | ... | ... | ... |
| This decrease is necessary because of required absorption of costs associated with the Law Enforcement Pay Reform Act and General Pay Reform Act | | | |
| Total decreases | (16) | (16) | (11,608) |
| Total, adjustments to base | (16) | 64 | 59,159 |

Drug Enforcement Administration
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| | 1991 Actuals | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|--|-----------------------|-------------|-----------------------|-------------|-----------------------|-------------|-----------------------|----------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and salary ranges | | | | | | | | |
| Executive Level III, \$119,300 | 1 | | 1 | | 1 | | | |
| Executive Level IV, \$112,100 | 3 | | 3 | | 3 | | | |
| ES-6, \$108,300 | 7 | | 7 | | 7 | | | |
| ES-5, \$104,800 | 53 | | 53 | | 53 | | | |
| ES-4, \$104,000 | 143 | | 143 | | 143 | | | |
| GS/GM-15, \$84,233 - \$3,502 | 527 | | 527 | | 527 | | | |
| GS/GM-14, \$84,607 - \$3,987 | 1,517 | | 1,517 | | 1,708 | | 83 | |
| GS/GM-13, \$46,210 - \$3,070 | 1,236 | | 1,236 | | 1,194 | | (16) | |
| GS-12, \$38,881 - \$3,516 | 511 | | 511 | | 511 | | | |
| GS-11, \$32,423 - \$2,152 | 9 | | 9 | | 9 | | | |
| GS-10, \$28,511 - \$3,367 | 375 | | 375 | | 375 | | | |
| GS-9, \$28,788 - \$4,835 | 110 | | 110 | | 110 | | | |
| GS-8, \$24,282 - \$1,543 | 600 | | 600 | | 600 | | | |
| GS-7, \$21,906 - \$2,478 | 435 | | 497 | | 519 | | 22 | |
| GS-6, \$19,714 - \$2,628 | 315 | | 315 | | 315 | | | |
| GS-5, \$17,688 - \$2,966 | 165 | | 165 | | 165 | | | |
| GS-4, \$15,808 - \$2,551 | 45 | | 45 | | 45 | | | |
| GS-3, \$14,082 - \$1,312 | 21 | | 21 | | 21 | | | |
| Ungraded positions | | | | | | | | |
| 1993 pay increase | 6,077 | \$244,384 | 6,206 | \$282,721 | 6,307 | \$12,428 | 99 | \$12,428 |
| Total, appropriated positions | | | | | | 263,188 | | 20,487 |
| Pay above stated annual rates | | 997 | | 1,736 | | 750 | | (986) |
| Lapses | | (742) | | (8,551) | | (9,262) | | (711) |
| Savings due to lower pay scales for part of year | | (2,015) | | (2,863) | | (3,107) | | (144) |
| Net full-time permanent | 5,335 | 213,653 | 6,005 | 252,943 | 6,099 | 271,569 | 94 | 18,626 |
| Other than permanent: | | | | | | | | |
| Part-time permanent | 14 | 337 | 10 | 267 | 10 | 267 | | |
| Temporary employment | 74 | 1,779 | 50 | 1,336 | 50 | 1,336 | | |
| Other part-time and intermittent employment | 30 | 721 | 20 | 534 | 20 | 534 | | |
| Other personnel compensation: | | | | | | | | |
| Overtime | 46 | 1,748 | 51 | 2,301 | 52 | 2,373 | 1 | 71 |
| Administratively uncontrollable overtime | 753 | 28,615 | 918 | 36,911 | 837 | 36,190 | 19 | 1,280 |
| Other compensation | 80 | 3,049 | 89 | 4,016 | 91 | 4,152 | 2 | 138 |
| Total, workyears and personnel compensation | 6,332 | 249,893 | 7,043 | 298,308 | 7,199 | 318,421 | 116 | 20,113 |
| Average ES Salary | | (\$101,649) | | (\$101,811) | | (\$101,811) | | |
| Average GS/GM Salary | | (\$35,682) | | (\$41,425) | | (\$43,654) | | |
| Average 1 Grade | | (10.57) | | (10.59) | | (10.57) | | |

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| | 1991 Actuals | | 1992 Estimate | | 1993 Request | | Increase/Decrease | |
|---|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|----------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Other objects: | | | | | | | | |
| 11.1 Full-time permanent | 5,335 | \$213,853 | 6,005 | \$252,943 | 6,066 | \$271,569 | 94 | \$18,626 |
| 11.3 Other than full-time permanent | 118 | 2,837 | 80 | 2,137 | 80 | 2,137 | 0 | 0 |
| 11.5 Other personnel compensation | 879 | 33,403 | 958 | 43,228 | 980 | 44,715 | 22 | 1,487 |
| Total | 6,332 | 249,853 | 7,043 | 298,308 | 7,159 | 318,421 | 116 | 20,113 |
| 12 Personnel benefits | | 71,837 | | 80,634 | | 100,687 | | 10,053 |
| 13 Benefits for former personnel | | 45 | | | | | | |
| 21 Travel and transportation of persons | | 25,862 | | 33,755 | | 34,897 | | 1,232 |
| 22 Transportation of things | | 5,024 | | 5,062 | | 5,160 | | 88 |
| 23.1 GSA rent | | 34,967 | | 36,474 | | 51,287 | | 14,813 |
| 23.2 Rental payments to others | | 11,162 | | 8,450 | | 6,530 | | 80 |
| 23.3 Communications, utilities and miscellaneous charges | | 38,119 | | 56,395 | | 57,388 | | 993 |
| 24 Printing and reproduction | | 1,429 | | 1,760 | | 1,782 | | 32 |
| 25 Other services | | 157,229 | | 149,725 | | 149,468 | | (237) |
| 26 Supplies and materials | | 27,217 | | 20,952 | | 21,495 | | 543 |
| 31 Equipment | | 53,262 | | 21,358 | | 35,235 | | 13,877 |
| 32 Lands and Structures | | 16,154 | | 5,879 | | 5,879 | | |
| 42 Insurance claims | | 159 | | 129 | | 129 | | |
| Total obligations | 8,332 | 692,379 | 7,043 | 728,681 | 7,159 | 788,268 | 116 | 61,567 |
| Recovery of prior year obligations | | (39) | | | | | | |
| Unobligated balance, start of year | | (7,056) | | (10,028) | | | | |
| Unobligated balance, end of year | | 10,028 | | | | | | |
| Unobligated balance lapsing | | 245 | | | | | | |
| Total Requirement | | 695,558 | | 718,653 | | 788,268 | | |
| Transferred from other accounts | | 1,227 | | 3,245 | | 4,000 | | |
| Advance appropriation | | | | | | 12,800 | | |
| Relation of obligations to outlays: | | | | | | | | |
| Total Obligations | | 692,379 | | 728,681 | | 788,268 | | |
| Reduction of offsetting collections pursuant to P.L. 99-177 | | 180,857 | | 140,808 | | 140,808 | | |
| Obligated balance, start-of-year | | 128,726 | | 202,023 | | 231,284 | | |
| Obligated balance, end-of-year | | (202,023) | | (231,284) | | (306,006) | | |
| Adjustments in expired accounts | | (5,063) | | | | | | |
| Adjustments in unexpired accounts | | (39) | | | | | | |
| Outlays | | 762,637 | | 636,226 | | 654,352 | | |

Drug Enforcement Administration
Salaries and Expenses
Status of Construction and Summary of New Facility Requirements
(In thousands of dollars)

| Project | Budget Request or Appropriation | | | | | Total Current Cost Estimate or Actual | Current Status Obligations to Date | Stage of Programs | Expected Completion Date |
|--------------------------------|-------------------------------------|---------|---------------------|----------|------------------|--|---|------------------------|--------------------------------|
| | Planning and Site Acquisition | | New Construction | | Total Funding | | | | |
| | Fiscal Year | Amount | Fiscal Year | Amount | | | | | |
| DEA Aviation Operations Center | 1991 | \$2,500 | 1991 | \$7,500 | \$10,000 | | | | |
| | | | 1992 | 6,000 | 6,000 | | | | |
| | | | | \$13,500 | \$16,000 | \$20,000 | \$7,500 | Construction | 1993 |
| New DEA Laboratory (D.C. Area) | 1993 | 1,500 | ... | ... | ... | 16,500 | ... | In planning stages. | 1997 |
| EPIC Expansion | 1993 | 1,400 | ... | ... | ... | 13,400 | ... | In planning stages. | 1997 |

Drug Enforcement Administration
Salaries and expenses
Schedule of Motor Vehicles

| Method of Acquisition and Type of Vehicle | 1990 End of Year Inventory | 1991 | | 1992 | | 1993 | | Average Cost | Disposed | End of Year |
|--|----------------------------------|----------|----------|----------|----------|----------|----------|-----------------|----------|----------------|
| | | Acquired | Disposed | Acquired | Disposed | Acquired | Disposed | | | |
| Direct Purchase: | 17 | ... | ... | 17 | ... | ... | ... | ... | ... | 17 |
| Large sedan | 1,261 | 1,222 | 775 | 1,708 | 730 | 1,336 | 1,196 | \$15,750 | 1,196 | 2,172 |
| Midsize sedan | 819 | ... | ... | 819 | ... | ... | ... | ... | ... | 819 |
| Compact sedan | 44 | ... | ... | 44 | ... | ... | ... | ... | ... | 44 |
| Subcompact sedan | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Small sedan | 27 | ... | ... | 27 | ... | ... | ... | ... | ... | 27 |
| Station wagon | 19 | ... | ... | 19 | ... | ... | ... | ... | ... | 19 |
| Van | 1 | ... | ... | 1 | ... | ... | ... | ... | ... | 1 |
| Bus | 152 | ... | ... | 152 | ... | ... | ... | ... | ... | 152 |
| 4-wheel drive | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Special purpose | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Sedan | 16 | ... | ... | 16 | ... | ... | ... | ... | ... | 16 |
| 4-wheel drive | 28 | ... | ... | 28 | ... | ... | ... | ... | ... | 28 |
| Other | 2 | ... | ... | 2 | ... | ... | ... | ... | ... | 2 |
| Trucks: | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Pickup | 9 | ... | ... | 9 | ... | ... | ... | ... | ... | 9 |
| Other | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Subtotal purchased | 2,395 | 1,222 | 775 | 2,842 | 730 | 1,336 | 1,196 | 15,750 | 1,196 | 3,306 |
| Leased: | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Midsize | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Seized or not cost excess | 2 | ... | ... | 2 | ... | ... | ... | ... | ... | 2 |
| Limousine | 17 | ... | ... | 17 | ... | ... | ... | ... | ... | 17 |
| Large sedan | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Midsize sedan | 1,259 | 350 | 350 | 1,259 | 350 | 350 | 350 | ... | 350 | 1,259 |
| Other | 340 | ... | ... | 340 | ... | ... | ... | ... | ... | 340 |
| Subtotal seized | 1,618 | 350 | 350 | 1,618 | 350 | 350 | 350 | ... | 350 | 1,618 |
| Total vehicles | 4,013 | 1,572 | 1,125 | 4,460 | 1,080 | 1,686 | 1,546 | 15,750 | 1,546 | 4,924 |

Schedule of Aircraft

| | 1990 End of | | 1991 | | 1992 | | 1993 | |
|-------------------------|-------------|-----------|----------|----------|-------------|----------|----------|-------------|
| | Year | Inventory | Acquired | Disposed | End of Year | Acquired | Disposed | End of Year |
| Direct Purchase: | | | | | | | | |
| Fixed wing | | | | | | | | |
| Single engine | 22 | ... | ... | ... | 22 | ... | ... | 22 |
| Multi-engine | 9 | 4 | ... | ... | 13 | 1 | ... | 14 |
| Helicopter | | | | | | | | |
| Single engine | 3 | 2 | ... | ... | 5 | ... | ... | 5 |
| Multi-engine | 6 | ... | ... | ... | 6 | ... | ... | 6 |
| Subtotal purchased | 40 | 6 | 0 | 46 | 0 | 46 | 1 | 47 |
| Leased: | | | | | | | | |
| Fixed wing | | | | | | | | |
| Multi-engine (Turbine) | ... | ... | ... | ... | ... | ... | ... | ... |
| Seized: | | | | | | | | |
| Fixed wing | | | | | | | | |
| Single engine | 13 | ... | ... | 13 | 2 | 13 | 2 | 13 |
| Multi-engine | 31 | 2 | ... | 33 | 2 | 33 | 2 | 33 |
| Helicopter | | | | | | | | |
| Single engine (Turbine) | 5 | ... | ... | 5 | 2 | 5 | 2 | 5 |
| Twin engine | 0 | ... | ... | 0 | ... | 0 | ... | ... |
| Subtotal seized | 49 | 2 | 0 | 51 | 6 | 51 | 6 | 51 |
| Military: | | | | | | | | |
| Fixed wing | 4 | ... | ... | 4 | ... | 4 | ... | 4 |
| Helicopter | ... | ... | ... | ... | 7 | 7 | 15 | 22 |
| Subtotal military | 4 | ... | ... | 4 | 7 | 11 | 15 | 26 |
| Total aircraft | 93 | 8 | 0 | 101 | 13 | 108 | 22 | 124 |

Mr. SMITH of Iowa. The Committee welcomes back the Administrator of the DEA, Mr. Robert C. Bonner. Mr. Bonner, we will place your written testimony into the record, and ask that you proceed with your statement.

Mr. BONNER. Thank you, Mr. Chairman.

First of all, let me introduce the gentleman seated here with me. This is Don Quinn, the Assistant Administrator for Operational Support at DEA.

I have submitted, Mr. Chairman, the prepared written statement that I would ask to be made part of the record, and with your permission, sir, I would just like to take a few minutes to summarize some of the highlights in my written submission.

Mr. SMITH of Iowa. Fine.

GENERAL STATEMENT

Mr. BONNER. First of all, I am certainly pleased to appear before you today in support of DEA's 1993 budget request. As the only agency of the Federal Government whose sole and exclusive mission is drug law enforcement, DEA has a formidable responsibility to lead the Nation's war against illegal drug trafficking, both in this country, and abroad.

The successes achieved over the last several years working with other law enforcement agencies, both State and local law enforcement around the country and other Federal agencies, as well as our international law enforcement counterparts have been significant. These successes are due in large part, Mr. Chairman, to the legislative and financial support that DEA has received from this subcommittee and from the Congress as a whole.

To better understand the resources that are required by DEA, I would like to just briefly tell you about some of the things that DEA has been doing, particularly in the last year.

Certainly, we have been working very, very hard, Mr. Chairman, to put drug traffickers in prison, to seize and strip them of their illegal, ill-gotten profits and their assets, and to wipe out major narcotics operations and organizations, both within the United States and internationally.

On the domestic front, DEA arrested over 24,000 drug traffickers in 1991, which was more than an 11 percent increase over 1990. Last year, DEA seized \$968 million of drug-trafficker assets in the United States alone including cash, vehicles, bank accounts, real estate, and the like. Over the last two years, DEA's drug asset seizures have exceeded \$2 billion.

KINGPIN STRATEGY

I want to say that the number one drug enforcement priority of the Administration and of DEA is to reduce the availability of cocaine in the United States. To better focus DEA's contribution to that effort, I have recently implemented the Kingpin Strategy. To have an effect on the availability of cocaine, it seems to me, it is clear that the major cocaine trafficking organizations must be disrupted, they must be weakened, and they must be destroyed. DEA's Kingpin Strategy is designed to do just that.

Using this strategy, DEA has targeted each Cali Cartel kingpin and his organization, as well as the remnants of the Medellin Cartel. We are also targeting the heads of the major international heroin trafficking organizations. The specific vulnerabilities, Mr. Chairman, of each of the targeted kingpin organizations are identified, and operational plans are developed to attack each one of these vulnerabilities.

The Kingpin Strategy is facilitating the coordinated attacks on kingpin organizations' finances, their assets, their means of production and distribution, as well as their distribution networks that operate right here in the United States.

The aim is to weaken and destroy the targeted kingpin organizations like the Cali and Medellin Cartels and their infrastructure through sustained law enforcement effort on all aspects of their operations, both within and outside the United States.

As a part of the Kingpin Strategy, DEA has targeted the operations of the Cali Cartel and every one of its leaders, including Jose Santacruz-Londono, Pacho Herrera, and the Rodriguez-Orejuela brothers. There are only a handful of these kingpins who operate the Cali Cartel.

Last year, DEA seized 38 tons of Cali Cartel cocaine and \$21 million in Cali Cartel assets. DEA also arrested 186 members of the Cali Cartel residing and operating in the United States. During one 18-month investigation, DEA learned more about the inner-workings of the Cali Cartel through an investigation of a major branch of the Cali Cartel operating in New York City.

This one Cali branch organization sold, in 1991 alone, over \$194 million of cocaine through its distribution network in New York.

Of great significance was the vigorous pursuit that culminated last year in the arrest and taking into custody of Pablo Escobar and the Ochoa brothers. These were the leaders of the Medellin Cartel. Nearly all the leaders of the Medellin Cartel now are either dead or in custody.

A few years ago, I might say, they were thought to have been invincible. The Medellin Cartel is now in shambles, but last year its rival, the Cali Cartel, picked up the slack and is now the primary supplier of cocaine to the United States. Hence, the targeting of the Cali kingpins and their organizations is of the utmost importance.

With respect to the Cali Cartel, let me also say that DEA, through cooperative efforts with State and local law enforcement here in the United States, with international law enforcement, and with other Federal agencies, including, in the international arena, the Colombian National Police, arrested over 1,000 members of the Cali Cartel last year, seized over \$200 million of the Cartel's assets, and seized over 172 tons of Cali Cartel cocaine worldwide. With successes like these, there is no question in my mind that we are starting to hurt the Cali Cartel.

COOPERATIVE LAW ENFORCEMENT

DEA cannot effectively prosecute the war on drugs alone; I am fully mindful of that. It is through cooperative efforts with State and local law enforcement, and with other Federal agencies, and

with our international law enforcement counterparts, that the tide will turn against these major drug trafficking organizations and the violence they cause.

Among the most successful of our cooperative programs is DEA's State and Local Task Force program. Since becoming Administrator of DEA a little over a year and a half ago, I have authorized 36 new provisional State and local task forces, and have converted eight provisional State and local task forces to fully-funded status.

DEA now operates 93 State and local task forces throughout the country, of which 59 are program funded and 34 are provisional. Internationally, DEA is involved in numerous cooperative efforts and operations, including those in Latin America that are vital to the success of the Andean strategy.

Operation Snowcap, for example, has the task of disrupting cocaine production and transportation within the Andean source countries of Bolivia and Peru, through air ground and riverine law enforcement operations. In Bolivia, Snowcap Operations have become highly successful in targeting major cocaine organizations. Several of these organizations, including the entire Santa Ana Cartel in Bolivia, were dismantled in 1991. Their leaders are now in custody, and their cocaine processing labs and aircraft have been seized.

In Peru, we were constrained in 1991 due to a lack of adequate airlift to conduct major operations. However, 90 cocaine laboratories, mainly cocaine base laboratories, were seized and destroyed in Peru, including the largest cocaine hydrochloride lab yet discovered in that country. Hydrochloride is the powder form of cocaine that is directly shipped to the U.S.

During 1991, DEA launched a new regional program aimed at the increasing use of Guatemala as a transshipment point for cocaine destined for the United States. Operation CADENCE involves the cooperative efforts of both DEA and the State Department, and has established a rapid air mobile response capability in Guatemala, comprised of Guatemalan law enforcement working with DEA Snowcap agents.

Since its inception in June of 1991, CADENCE forces have seized seven aircraft and over 14,000 kilograms—about 40,000 pounds—of cocaine in Guatemala.

CADENCE, of course, complements the Northern Border Response Force in Mexico, which has operated continuously in that country since October of 1990, and is also intercepting cocaine-laden aircraft flying directly from Colombia and using Mexico as a conduit for large amounts of cocaine bound for the United States.

I might add, by the way, that DEA's marijuana eradication program, in which all 50 states participate, and our rigorous enforcement efforts against commercial marijuana growers and traffickers have pushed the price of marijuana to record levels in the United States, thereby contributing, in my judgment, to the significant decline in the demand for and use of marijuana in the U.S.

And our enforcement of the Chemical Diversion and Trafficking Act has led to a marked decline in the number of clandestine laboratories in the United States illegally manufacturing controlled substances.

There has been a drop in the availability and use of, for example, methamphetamine in the United States, which is the number one illegal synthetic drug illegally manufactured in this country.

At this point I have highlighted just a few of DEA's accomplishments and programs, certainly not all of them. Based on all of the evidence presented, I think I can say to you, Mr. Chairman, that progress has been made against drug traffickers.

The battle, of course, has not yet been won; we need the continued support of this subcommittee and the Congress to do the job. And so, if I may, let me now turn to our fiscal year 1993 budget request.

1993 BUDGET REQUEST

The Administration's budget request for DEA totals 6,307 positions and \$788.3 million, as the Chairman noted. This represents a very modest increase of 115 positions and \$15.5 million over 1992 base program funding levels. In addition, 1,098 positions and \$103.5 million are requested separately for DEA's participation in the Organized Crime Drug Enforcement Task Force Program.

The OCDETF request includes enhancements of 59 positions and \$4.2 million. Taken together, both our direct and our indirect OCDETF requests provide an additional 140 special agents and \$19.7 million.

The budget enhancements in the 1993 request are all designed to strengthen DEA's enforcement operations, the largest portion of which will be devoted to continuing implementation of the President's Andean and Transit Country Strategies.

OPERATION SNOWCAP AND CADENCE

As indicated, two critical DEA operations in Latin America are Operation SNOWCAP and CADENCE. DEA currently operates five Snowcap teams, three in Bolivia, two in Peru and one CADENCE team in Guatemala. Each team consists of about four to six special agents who volunteer from DEA's field offices in the U.S. for temporary duty assignments.

They receive approximately eight months of specialized training, including language, jungle survival training, and air mobile training, before deploying for a 90-day TDY assignment in either Peru, Bolivia, or Guatemala.

Once the deployment is completed, the agents return to their home offices and in the meantime, another team is deployed to those areas. These requirements are necessary for the safety of the agents and the integrity of the operation, and they necessitate the need for many agent volunteers to support these operations on a continuous basis.

Currently, these programs use agents permanently assigned to DEA's domestic field offices most of whom have ongoing investigations in these field offices which include such things as maintaining informant contacts, testifying in court, and the like.

The constant depletion of agent resources from the field offices to these temporary duty assignments has disrupted enforcement efforts in our domestic offices. In order to meet the objectives of the President's drug control strategy and at the same time ensure that

DEA domestic investigations are not hampered, DEA is requesting 66 positions, including 53 special agent positions and \$5.9 million to establish Andean support teams staffed by permanently assigned agents for deployment to South America and Central America.

In between deployments overseas, this small pool of agents will be assigned to domestic cases where additional personnel are needed; for example, to work on highly sensitive Title III wiretap investigations in the U.S.

In addition to eliminating the disruption to our domestic investigations, this small specially-trained cadre will permit DEA to respond more rapidly, Mr. Chairman, to trafficker shifts and moves, whether they be in, possibly in Belize or elsewhere; something that we cannot easily do now. Of course, this would be done only with the consent of the host nation involved and the concurrence of the State Department.

DOMESTIC OPERATIONS

Also included in our fiscal year 1993 request is a request for continued support of DEA's State and Local Task Force Program. Through our State and local task forces, DEA provides State and local police with the training, equipment, and supervision necessary to effectively investigate drug trafficking organizations operating in particular areas of the country.

State and local law enforcement agencies participating in these task forces are also entitled to an equitable share of assets seized as a result of their contributions. I think it is noteworthy that, in 1991, DEA shared over \$218 million with State and local law enforcement agencies involved in this program.

In 1993, DEA is requesting 27 positions, including 22 special agents and \$8.4 million to establish four new fully-funded State and local task forces.

DEA is also requesting \$1 million to establish an operating and maintenance base to support our El Paso Intelligence Center ADP, Improvement Project. EPIC, Mr. Chairman, as you are aware, is a 24-hour, seven-day-a-week operation that provides information on the movement of illegal drugs moving toward or destined for the United States. It is managed by DEA and it is staffed by personnel from DEA and 11 other Federal agencies. The EPIC computer system that was installed back in 1975 when EPIC was created, has long ago reached the end of its useful life.

And so last year, DEA, in conjunction with the Department of Justice, the Office of National Drug Control Policy, the Department of Defense, through the Office of the Secretary of Defense, and the Defense Information Systems Agency, began a two-year effort to upgrade and bolster EPIC's ADP capabilities. With the requested enhancement, EPIC will be able to maintain the \$10 million that has already been invested in ADP upgrades and enhancements.

Aviation support is another area of major concern for DEA. Aviation support for surveillance during investigations can be the key to the success of an investigation, just as the lack of that aviation support can result in failure of an investigation.

We have approximately 100 aircraft in DEA located in 36 cities across the United States, but only 91 pilots to fly these aircraft. This represents a ratio of a little under one pilot for each aircraft. To enhance our aviation support capability, DEA is requesting 22 positions, including 18 special agent pilots and \$2 million in 1993.

In conclusion, let me say, Mr. Chairman, I am very, very proud of the accomplishments achieved by the men and women of DEA since I became the administrator. I believe our Nation is coming to grips with the widespread trafficking and use of illegal drugs, including cocaine, and we are taking steps now to deal with the renewed threats posed by heroin and LSD.

As we have known from the start, though, the war against drugs is not a one-month or a one-year battle. It is a multi-year effort, having its share of ups and downs, of peaks and valleys.

In the past year, despite many successes, we have seen the tenacity of our enemy, the drug kingpins, who do attempt to adjust to growing pressures that are applied by DEA and the law enforcement community. We are in for a long battle, I think, but with firm resolve and with funding, it is a battle that we can win, and quite frankly as a nation, we must win.

I want to thank you, Mr. Chairman, for the support that you have given to DEA over the years. I request that you give us the President's full budget request for DEA so that we can sustain our efforts.

Mr. Chairman, that concludes my remarks and I would welcome any questions that you might have at this point.

[The prepared statement of Mr. Bonner follows:]

**DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION**

**STATEMENT OF THE ADMINISTRATOR
ROBERT C. BONNER
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES**

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today in support of the Drug Enforcement Administration's (DEA) budget request for 1993. As the single-mission Federal agency for drug law enforcement, DEA is entrusted with the responsibility to lead the Nation's war against illegal drug trafficking, both in this country and abroad. The successes achieved by DEA in the past four years have been significant, thanks in large part to your ongoing legislative and financial support. In order for DEA to continue to build upon the momentum achieved thus far, it is imperative that the Agency continue to receive your support along with the funding necessary to accomplish these objectives. It is with this end in mind that I present to you DEA's budget request for 1993.

Drugs--Domestic and International Ramifications

In order to gain a better understanding of the resources required by DEA in the fight to halt illicit drug trafficking, I must first describe the scope of the drug problem today. The crisis which we face today has, as a result of drug trafficking, become an international issue--one which not only detrimentally affects this country but all nations within the global community.

Here in the United States, the drug crisis has, for the past decade, ravaged our society, wasting lives, destroying families, and undermining the moral and ethical fabric of our society. In my opinion, it has become one of the most dangerous threats facing our Nation today--a threat which assaults us from within, spreading its contagion to every corner and every community of our country. From cocaine-addicted babies, to senior-citizens who are beaten and robbed by drug users, to loved ones attempting to overcome serious drug addiction, the toll of human suffering generated by illegal drug use is incalculable.

Although the consequences of the growing drug trade have struck the United States particularly hard, no country or region of the globe has remained completely isolated from the ravages of this silent killer. From South America to Europe, to the Far East, nations have been forced to band together to offset the incursion of drugs upon their societies. Although the lessons learned have often been exacting, it is, in fact, only through such bonding that continued progress can be made in the fight to rid the world community of the great drug plague. A point of fact though is that, despite our share of setbacks, much progress is indeed being made.

DEA: Role and Accomplishments

As the lead agency in the war against drugs, DEA has worked extremely hard during the past year to put major drug violators in prison, seize the proceeds of drug transactions, dismantle major narcotics organizations, and support law enforcement-

related programs, both domestically and internationally, which are aimed at reducing the availability and use of controlled substances. On the domestic front, DEA was involved in the arrest of 24,280 drug offenders in 1991, an increase of over 11 percent from 1990.

The number one drug control priority of the Bush Administration has been to reduce the amount of cocaine available in the United States. DEA's contribution to this effort has been considerable. DEA conducts a number of Special Enforcement Operations (SEOs) and Programs (SEPs) specifically aimed at reducing the availability of illegal drugs in the United States. Chief among these is DEA's newly developed Kingpin Strategy.

Under the Kingpin strategy, DEA has targeted each Cali Cartel kingpin and his organization as well as the remnants of the Medellin Cartel. We have also targeted the heads of major international heroin trafficking organizations. The specific vulnerabilities of each targeted kingpin organization (TKO) are evaluated and operational plans are developed to exploit and attack these vulnerabilities. The Kingpin Strategy permits coordinated attacks on the targeted organizations' finances, assets, production, transportation, and distribution networks. The aim is to weaken, disrupt and destroy the targeted kingpins and their organizations through concerted and sustained law enforcement pressure on all aspects of their operations.

In 1991, DEA's achievements were impressive. During the past year, SEO Bolivar, which targets the activities of the

Medellin Cartel and its leaders, contributed to the arrest of 145 members of the Cartel operating in the United States. Additional results of SEO Bolivar sponsored operations include the seizure of 35 tons of cocaine, and over \$16 million in assets, of which \$1 million was comprised of cash proceeds from cocaine sales.

Of greater significance than the seizure of cocaine or assets was the surrender of Medellin Cartel leaders Pablo Escobar-Gaviria and the Ochoa brothers, who are the subjects of numerous indictments related to this SEO, and against whom arrests were requested. The year 1991 was also significant in that, after years of extensive effort, the trial of General Manuel Noriega finally commenced in Miami, Florida.

As previously mentioned, DEA has also been intimately involved in targeting the operations of the Cali Cartel and its leadership, including Jose Santacruz-Londono, Pacho Herrera and the Rodriguez-Orejuela brothers. The Cali Cartel is currently the major supplier of cocaine to the United States. Through SEO Calico, DEA seized 38 metric tons of Cali Cartel cocaine in 1991, and \$21 million in drug related assets. DEA also arrested 186 members of the Cali Cartel based in the United States.

In one historic 18-month investigation, DEA was able to learn about the inner-workings of one of the Cali Cartel's major U.S. branch operations. This one Cali "cell," uncovered in New York, conducted \$194 million in business transactions during 1991. Using sophisticated investigative techniques, DEA arrested Pacho Herrera, the Cartel's New York head, seized records and

proof of the enormous profits generated by this organization, and effectively dismantled the operation.

Through the cooperative efforts of the DEA, State, local, and international law enforcement agencies, by the end of 1991, a cumulative total of over 1,000 members of the Cali Cartel were arrested and over \$200 million in assets and 172 metric tons in Cali assets were seized. With successes such as this, there is no question that we are hurting the Cali Cartel and its kingpins.

The year 1991 was also significant in that the United States was once again confronted with an increase in heroin availability and seizures. The Office of National Drug Control Policy currently ranks heroin second to cocaine as the greatest drug threat facing the nation. There has been a dramatic rise in the purity of street-level heroin in many regions of the country, spurred in part by the increase in opium production in the Golden Triangle as well as elsewhere around the globe.

In order to address the impact that the growing heroin threat has had on the United States, DEA established three long-term investigative SEPs. The objectives of these programs are to identify, target, and immobilize major heroin criminal organizations and their key operatives trafficking heroin to the United States. As a result of these initiatives, DEA's 1991 heroin arrests increased by 11 percent over 1990 and heroin seizures increased by over 70 percent. In total, operations sponsored by these SEPs resulted in the arrest of 2,757 heroin traffickers, and the seizure of 10,703 kilograms of heroin,

19,056 kilograms of opium, 972 kilograms of morphine base, and 14 clandestine laboratories.

On June 20, 1991, a cooperative effort between DEA and the United States Customs Service resulted in the arrest of five Southeast Asian traffickers responsible for over 1,000 pounds of Southeast Asian white heroin seized in the Port of Oakland, California. This is the largest seizure of heroin in the history of the United States.

DEA also made significant strides in 1991 in efforts aimed at eliminating both the indoor and outdoor cultivation of domestically grown marijuana. Domestic marijuana cultivation increased in 1991, with projections indicating that if left unchecked, domestic cultivation could account for over 50 percent of the cannabis consumed in the United States by the year 1995. In order to head-off this disturbing trend, DEA has sought to attack this problem aggressively through the development of two specially targeted programs: the Domestic Cannabis Eradication/Suppression Program and SEO Green Merchant.

Through its Domestic Cannabis Eradication/Suppression Program, DEA was able to immobilize over 23,000 outdoor plots and over 1,500 indoor operations in 1991, resulting in the eradication of over 88.5 million cannabis plants. By the close of the year, the program had recorded a 69 percent increase in the seizure of indoor cannabis cultivations and a 63 percent increase in the seizure of assets as a result of program investigations.

Through SEO Green Merchant, which was initiated by DEA to combat indoor cannabis cultivation, DEA arrested 947 major violators and seized over 150,000 cannabis plants and more than \$17.2 million in assets. DEA initiated the first indoor cannabis investigation training curriculum, conducted 12 classes across the United States, and trained over 900 Federal, State, local and military officers involved in Green Merchant Operations. As a result of the success of these programs, high-grade sinsemilla now costs more than gold in most areas of the country, selling at an average price of over \$400 dollars per ounce.

In 1991, DEA also took action against the increasing use of LSD among the nation's youth. It is unfortunate that this powerful hallucinogen, popular some 25 years ago among college students, is now the fastest growing drug of abuse among young people under the age of 20. LSD has made its way into our Nation's school systems at every level. While the use of most other illegal drugs has declined in recent years, use of LSD appears to be on the rise.

With this in mind, I directed that DEA sponsor a conference to address the various issues surrounding the Nation's growing LSD problem. The conference, held in December of 1991, in San Francisco, for the first time combined the efforts of both law enforcement personnel and demand reduction experts on the reemerging issue of LSD consumption. This combined effort was a significant step toward halting the spread of LSD onto our streets and into our schools. I firmly believe that this kind of

proactive approach to emerging drug problems is essential if we are to suppress these problems before they reach epidemic proportions.

Cooperative Efforts--Domestic

No country or institution can hope to effectively prosecute the war on drugs by acting on its own. It is only through the cooperative efforts of both domestic institutions and our foreign enforcement counterparts that this country can hope to put up an effective front against the incursion of drugs on our streets.

Within its Operations Division, DEA has staffed several positions which are charged with the responsibility of conducting a full range of liaison functions with other Federal law enforcement agencies, the Department of Defense (including all individual components of the armed forces) and foreign enforcement counterparts stationed in the United States.

Among our most successful cooperative programs is DEA's State and local Task Force Program. Entering its 21st year of operation, this program has become the model for inter-governmental law enforcement activities. It continues its high level of success by providing an increased level of cooperation among Federal, State and local law enforcement organizations; increasing intelligence generated at the State and local levels; and increasing the return on investment through the seizure of assets. Presently, DEA operates 93 task forces, of which 59 are program funded and 34 are at the provisional stage of development.

Another example of cooperative effort is DEA's participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. In 1991, DEA received \$93.3 million of the \$334.5 million OCDETF budget, accounting for 28 percent of total OCDETF funding. These funds provided 775 DEA Special Agent positions, and supported 481 OCDETF investigations initiated by DEA. As a result of these investigations, OCDETF made 3,302 arrests, of which 1,380 were major defendants. At the same time, DEA's OCDETF asset seizures totalled over \$311 million of the \$948 million in drug assets seized by DEA in 1991. As of 1991, DEA participated in 80 percent of all OCDETF sponsored investigations.

Cooperative Efforts--International

DEA is involved in numerous operations in South and Central America which are critical to the success of the President's Andean Strategy. DEA works side-by-side with its law enforcement counterparts in every Latin American nation, including Colombia, Bolivia, Peru, Guatemala, Mexico, Venezuela, and Ecuador, to dismantle major narcotics trafficking organizations and reduce the amount of cocaine available in the United States.

Operation Snowcap, the United States Government's premier drug suppression program, has the task of disrupting cocaine production within the Andean source countries of Bolivia and Peru through air, ground, and riverine law enforcement operations. In Bolivia, Snowcap Operations have become highly sophisticated, targeting major production organizations. Several of these

organizations, including the Santa Ana Syndicate, were dismantled in 1991, their leaders arrested, and their cocaine processing labs and aircraft seized.

In Peru, operations were constrained in 1991 due to the lack of adequate airlift to conduct major operations; however, a major raid on Uchiza took place, involving approximately 150 Snowcap and Peruvian national police. Moreover, 90 cocaine base laboratories were seized during the year, including the largest cocaine HCL laboratory yet discovered in the country, seized along the Aquatia River, in the valley adjacent to the Upper Huallaga Valley.

During 1991, DEA also launched a new regional program aimed at responding to the rapid growth of Central America as a major transshipment area for cocaine coming to the United States. Entitled Operation CADENCE, this program, which involves the cooperative efforts of both DEA and the Department of State, gives the U.S. a rapid response airmobile capability for host nation law enforcement officers to utilize and act on intelligence regarding the movement of cocaine throughout the region. Since its inception May 1991, CADENCE is credited with the seizure of seven aircraft, five boats, two motor vehicles and 14,023 KG of cocaine.

The Northern Border Response Force (NBRF), initiated in October 1990, is charged with the task of intercepting cocaine-laden aircraft which use Mexico as a conduit for U.S. bound cocaine. The NBRF is a prime example of cooperation between DEA

and foreign law enforcement agencies, with the U.S. government providing intelligence to Mexican enforcement agents who in turn apprehend Colombian trafficker aircraft carrying loads of cocaine and accompanying drug smugglers.

Finally, DEA is proud of its efforts to control the transshipment of chemicals used in the drug manufacturing process. Enforcement of the Chemical Diversion and Trafficking Act of 1988 has had a significant impact on the domestic and international shipment of controlled chemicals. In terms of domestic accomplishments, after nearly a decade of steadily rising clandestine laboratory seizures, DEA has witnessed a precipitous drop in the number of these seizures in the past two years. This trend indicates that overall, there are fewer labs producing illegal drugs like methamphetamine in the United States. We have also witnessed a corresponding decline in emergency room reports mentioning the use of methamphetamine, the primary controlled substance illegally manufactured in the United States.

Enforcement of the Chemical Diversion and Trafficking Act has also had a significant impact on multinational efforts, with U.S. chemical exports to Colombia decreasing by over 50 percent in the last two years. DEA has also been successful in its efforts to encourage the nations of Latin America and Europe to begin implementation of similar chemical control legislation.

In 1991, international chemical control was significantly enhanced through the efforts of the G-7 Chemical Action Task

Force. DEA played a pivotal role in this international forum which was held from October 1990 through April 1991. The conference included representatives from 23 countries, the Organization of American States, and the International Narcotics Control Board. To further facilitate international cooperation, DEA will also sponsor the first Eastern European drug and chemical control conference, to be held in Warsaw, Poland in June 1992.

As a result of these efforts, DEA has made substantial progress in its efforts to curb the flow of illegal drugs into the country. Nevertheless, the battle at hand has yet to be won and many significant challenges lie ahead, only some of which I have taken the time to describe to you today. In order for DEA to meet the challenges ahead, we need the continued support of the United States Congress. I hope that through my appeal to you today, you will sustain our efforts.

DEA's 1993 Budget Request

The Administration's 1993 budget request totals 6,307 positions and \$788.3 million for DEA. This represents a very modest increase of 115 positions and \$15.5 million over 1992 funding levels. In addition, 1,098 positions and \$103.5 million dollars are requested separately for DEA's participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. These requests include program enhancements of 59 positions and \$4.2 million. Together, these enhancements provide an additional 140 Special Agents and \$19.7 million dollars.

Budget enhancements included in the 1993 request are all designed to strengthen DEA enforcement operations. The largest portion of the resources requested will be devoted to continuing implementation of the President's Andean Strategy and Potential Source and Transit Country Strategy.

As indicated earlier, the heart of DEA operations in South and Central America are encompassed in Operations Snowcap and CADENCE. DEA currently operates five Snowcap teams (three in Bolivia and two in Peru) and one CADENCE team in Guatemala. Each team consists of four to six Special Agents who volunteer from field offices for temporary duty assignment and receive approximately eight months of specialized training before deploying for a 90-day period. Once this deployment is completed, the Agents must take leave for two weeks before returning to their home office. In the meantime, another team is deployed. For safety and health-related concerns, each Agent must perform regular domestic duties for a minimum of 16 weeks between Andean deployments.

These requirements are critical to maintain the safety of the Agents and the integrity of the operation, yet they necessitate the need for many Agent volunteers to support the operation on a continuous basis. Currently, these programs use Agents permanently assigned to DEA domestic field offices who have on-going case responsibilities that include the maintenance of informants, testimony in trials, and liaison activities with other Federal, State, and local law enforcement agencies. This

constant depletion of Agent resources from the field offices to temporary duty assignments has disrupted enforcement efforts in domestic offices.

In order to meet the objectives of the President's regional drug strategies and at the same time ensure that DEA's domestic enforcement operations are not hindered, DEA is requesting 66 positions, including 53 Special Agents, and \$5.9 million to establish Andean support teams staffed by permanently assigned Agents, for Central and South America. In 1993, DEA anticipates having seven teams deployed at one time (two Snowcap teams each in Bolivia and Peru, one team each in Venezuela and Ecuador and one CADENCE team in Guatemala), with each team consisting of five Agents. In between deployments overseas, this pool of Agents will be assigned to domestic cases where additional or specially trained personnel are needed, thus eliminating the need to further deplete the field offices with temporary duty assignments.

Also included is a request for continued support of DEA's State and Local Task Force Program. In past years, this program has played a major role in engendering intergovernmental cooperation between Federal, State and local law enforcement agencies by facilitating the immobilization of drug trafficking organizations, at all levels, throughout the United States. The program has proven to be an effective means of utilizing the collective resources of law enforcement by providing the increased manpower, training and resources necessary to combat

the growing problem of drug trafficking throughout our country.

Through the State and Local Task Force Program, DEA provides State and local law enforcement personnel with the training, equipment, and supervision necessary to launch an effective campaign against drug traffickers. State and local law enforcement agencies participating in the program are also entitled to an equitable share of assets seized as a result of their contributions to investigations. In 1991, DEA shared over \$218 million with State and local governments involved in the program.

Use of State and local law enforcement personnel also renders substantial benefits for DEA, providing the additional manpower and street experience necessary to effectively challenge a numerically superior opponent, while contributing valuable intelligence information that may not normally be available or accessible.

In 1993, DEA is requesting 27 positions, including 22 Special Agents and \$8.4 million, to establish four new task forces. This will result in the participation of approximately 60 State and local law enforcement officers. While demands by States and localities continue to increase, DEA will continue to control the growth of the program to ensure that it is well-managed and that resources devoted to it are used effectively.

DEA is also requesting \$1 million to establish an operating and maintenance base in support of its El Paso Intelligence Center (EPIC) Improvement Project. EPIC is a 24 hour-a-day,

seven day-a-week operation that provides information on the movement of illegal drugs into and out of the United States. It is managed by DEA and staffed by personnel from 11 Federal member agencies.

The focus of the Center is to provide tactical and operational intelligence to help interdict the transportation of narcotics. EPIC provides real-time and analytical intelligence support to Federal, State, and local law enforcement agencies, and through in-country U.S. law enforcement, to foreign law enforcement agencies engaged in counternarcotics activities.

Installed in 1975, EPIC's computer system has reached the end of its useful life. In 1991, DEA, in conjunction with the Department of Justice, the Office of National Drug Control Policy, the Office of the Secretary of Defense, and the Defense Information Systems Agency, began a two-year effort to provide near and mid-term improvements to bolster EPIC's ADP capability. With the requested enhancement, DEA will be able to provide EPIC with the operations and maintenance base necessary to support ADP enhancements already accomplished in 1991 and 1992. This system will satisfy many of the Center's current information system needs.

Aviation support operations is another area of major concern for DEA. Aviation support can be the key to success of an enforcement mission, just as the lack of support can be the cause of its failure. Providing a qualified aircraft crew for each mission that requires aviation support is a difficult task due

the lack of adequate resources. DEA's aircraft program currently consists of approximately 100 aircraft and 106 pilots located in 36 different cities. Because 15 of these pilots occupy management or administrative positions and do not fly in support of enforcement operations, there are 91 pilots on-hand to fly support missions. This represents a ratio of less than one pilot for each aircraft.

Not all pilots are qualified to fly each of the aircraft in the fleet. For example, only one-third of the pilots are presently qualified to fly the CASA 212 or helicopters. DEA must temporarily deploy pilots from domestic offices to fly the CASA 212's in South America. In addition, over 50 percent of the aircraft in the fleet are multi-engine aircraft. Multi-engine aircraft are generally more complex than single-engine aircraft and as a result, two pilots are necessary to ensure their safe and effective operation. Since DEA does not even have one pilot for each aircraft, pilots must juggle their schedules from city to city to support enforcement missions.

To enhance aviation support operations, DEA is requesting 22 positions, including 18 Special Agent/Pilots and \$2.0 million in 1993.

The Challenge Continues

In conclusion, I am extremely proud of the accomplishments achieved by the men and women of DEA since I became Administrator. Our Nation is beginning to come to grips with one major element of its ravaging drug crisis, namely the widespread

abuse of cocaine, and we are taking steps to deal with newly developing aspects of this battle, including the renewed threats posed by heroin and LSD.

As we have known from the start, the war against drugs would not be a one month or one year battle, but a multiyear effort having its share of both peaks and valleys. In the past year, despite our many successes, we have seen the tenacity of our enemy, as drug lords adjust to the growing pressure applied by the law enforcement community. We are in for a long battle, but with firm resolve and funding, it is a battle we can and must win.

Mr. Chairman, members of the Subcommittee, I thank you for the support you have given to DEA. I request that you give us the President's full request for DEA in order to sustain our efforts to stem the tide of illegal drugs.

This concludes my remarks on DEA's 1993 budget package. I welcome any questions that members of the Subcommittee may have.

REGIONAL DRUG INTELLIGENCE SQUADS

Mr. SMITH of Iowa. Now, a few days ago, we had the FBI hearing. They have these five regional drug intelligence squads, and they are asking for more money for some additional ones.

How much coordination is there between DEA and FBI in planning new regional drug intelligence squads?

Mr. BONNER. We are coordinating with the FBI. I had been advised by the Deputy Attorney General that the Department contemplates that DEA would be a full and equal partner with the FBI in the regional drug intelligence squads.

Let me say, Mr. Chairman, that there have been regional drug intelligence units at various stages of sophistication that have been developed over the years throughout the country. One, for example, is the Unified Intelligence Division in the New York area, which DEA has operated; the FBI has participated in that.

Mr. SMITH of Iowa. That is for one of the squads?

Mr. BONNER. Well, that is where one should be located. I am just simply suggesting that there may be instances in which, because a regional drug intelligence unit already exists, that we can simply utilize what already exists.

But you asked me specifically as to coordination. DEA has begun a dialogue with the FBI on the regional drug intelligence squads. We are currently participating in one of these, it has been set up in Los Angeles. We are participating in that with the FBI.

Mr. SMITH of Iowa. Aren't you participating in all five? They have five of these squads.

Mr. BONNER. We are not currently participating in all five of them. We are in the process of discussing with the FBI, pursuant to the directions I received from the Department of Justice, that these are to be joint FBI and DEA endeavors.

We are discussing with the FBI the nature of the participation, the staffing levels required for that participation, the mission and function of these regional drug intelligence squads, what they are going to produce, so that the product that is produced is not simply a summary of ongoing investigations, but is something that is meaningful and useful to both DEA and the FBI and other law enforcement within the region.

But I will say that the directions given by the Department to me did not come in time for us to incorporate in our 1993 budget request the kind of resources that DEA would need to be a full participant with the FBI in the regional drug intelligence squads.

But again, let me say, Mr. Chairman, we have begun discussions with the FBI as to making sure that we have regional drug intelligence squads, starting at least with the five high-intensity drug trafficking areas, ensuring that they are truly joint partnership efforts between FBI and DEA.

Mr. SMITH of Iowa. Well, why aren't you participating in all five of them now? What is the problem?

Mr. BONNER. We are participating in the one in Los Angeles. I would assume, that what we already have existing and going in New York, the Unified Intelligence Division, would function as essentially one of these regional drug intelligence squads.

If there are other regional drug intelligence squads that are up and operating in other areas, quite frankly, I am just not aware of them.

We have started discussions with a working group with the FBI in the last month or two, so that we can comply and establish a joint DEA and FBI effort in each one of these areas in which there is a regional drug intelligence squad.

DRUG INTELLIGENCE SHARING AMONG AGENCIES

Mr. SMITH of Iowa. Is sharing intelligence information your biggest problem?

Mr. BONNER. No, I don't think it is our biggest problem. In fact, I think we have made some real strides. DEA, Mr. Chairman, has had a long, long history of sharing its drug intelligence, not just with the FBI, but with other law enforcement agencies and State and local law enforcement.

I don't think the FBI has ever had a problem in this area. Don't get me wrong. I mean there are sensitivities. I think that all law enforcement agencies have sensitivities with respect to sharing intelligence and disclosing informants and sources and so forth. But I think DEA's record on this has been excellent over the years, and most recently DEA has developed NADDIS-X, which is a computer database that actually increases our ability to share DEA drug intelligence with other law enforcement agencies, including the Bureau. Frankly, I think will increase and improve the coordination between DEA and FBI, and coordination generally in the area of drug intelligence.

But I think our record on this is good, and we have never—DEA has never taken the position not to share it. We have recognized that it is our responsibility, as the lead agency for drug intelligence, to make available and to share drug intelligence, which we do, I think, on a routine and almost an institutional basis at DEA.

ORGANIZED CRIME ROLE IN DRUG BUSINESS

Mr. SMITH of Iowa. Well, these drug intelligence squads do focus on organized crime. As you indicated in your opening statement, organized crime participation in this drug business is a very important part of it.

Mr. BONNER. The focus would be on those organized drug trafficking organizations, both domestically and overseas, that are responsible for the drug trade. So I am sure that the—

Mr. SMITH of Iowa. There are other kinds of organized crime, but one of their main resources is drugs.

Mr. BONNER. I think that is true of certainly all of the major criminal organizations. The truly powerful criminal organizations that are operating in the United States today are principally engaged in drug trafficking enterprises.

Now, there may be a few organizations like traditional organized crime groups and the La Cosa Nostra that don't exclusively engage in drug trafficking. But one of organized crime's principal sources of income is illegal drug trafficking.

MAJOR COOPERATIVE EFFORTS TO COMBAT DRUGS

Mr. SMITH of Iowa. Now, the State and local task force, could you tell me how many you have?

Mr. BONNER. Yes, sir.

Mr. SMITH of Iowa. Ninety-three, is that what you said?

Mr. BONNER. A total of 93, 59 are fully-funded, and the balance are provisional. But there are 93 DEA State and local task forces spread throughout the United States.

Mr. SMITH of Iowa. Other Federal agencies that are involved, are you getting good cooperation?

Mr. BONNER. I would say as a general rule we are, Mr. Chairman. First of all, there are a couple of vehicles for that. One is the DEA State and local task forces, the other is the 13 regional Organized Crime Drug Enforcement Task Forces.

And the OCDETF program has been, it seems to me, an excellent vehicle for bringing together various Federal agencies, including DEA, FBI, Customs, IRS, INS, and other Federal agencies, together with State and local law enforcement, to target and address high-level drug trafficking organizations that are operating within these various regions.

I think this has promoted a cooperation. I might note that the vast majority of DEA investigations today are joint efforts.

We are working with some other agency, either one or more State and local agencies through our DEA State and local task forces, or one or more other Federal agencies. The vast majority of our cases are multi-agency investigations. So we have had a lot of experience with them.

We feel very comfortable working with other State and local and Federal agencies, and frankly, I think most State, local, and other Federal agencies feel very comfortable working jointly with DEA on drug investigations.

AIRCRAFT ACQUISITION

Mr. SMITH of Iowa. You surprised me a little bit by saying you have more aircraft than you have pilots. Is that a normal situation?

Mr. BONNER. That is not a normal situation. I think almost every other law enforcement entity that has aircraft, has, for safety reasons, a ratio of two to one, or even three to one, pilots to aircraft. We are at just about one to one. It is not a good situation, and it is certainly one of my objectives to rectify this problem.

This is just a start to bring about a better ratio between our pilots and number of aircraft. And frankly, it seems to me that my objective would be to have at least 1.5 pilots for every aircraft.

Mr. SMITH of Iowa. How are you going to do this when you are asking for more money for aircraft too?

Mr. BONNER. We are not going out and just buying up a lot of new aircraft. We are doing two things: We are replacing old and obsolete aircraft that are no longer serviceable. So we do occasionally purchase new aircraft to replace old aircraft that we are putting out of service.

Secondly, there are some special kinds of missions and some special kinds of needs for which a particular kind of aircraft is needed.

When we have identified a special mission that requires a particular kind of aircraft, we have made requests for that particular type of aircraft. I think it would be a misconception to say that we are simply adding more aircraft willy-nilly without being concerned with the number of pilots we have to operate these aircraft.

Mr. SMITH of Iowa. What about seized aircraft?

Mr. BONNER. A very sizable percentage of our fleet does come from seized and forfeited aircraft. Mr. Quinn advises me that about 40 percent of our aircraft are actually seized and forfeited from drug traffickers. Of course, we only put these aircraft into service if they fit some specific need or we need to retire an aircraft of comparable mission capabilities.

NATIONAL SECURITY DATA PROTECTION

Mr. SMITH of Iowa. Now, GAO had a report which alleged that you are not adequately protecting your national security information. Do you want to comment on that?

Mr. BONNER. First of all, I take that report very seriously. I am concerned with the potential weaknesses that were identified in the GAO's interim report. I have responded in writing, I believe to Congressman Conyers and Congressman Wise; I would be happy to share my response with this Committee as to what steps DEA is taking to correct those potential weaknesses.

Mr. SMITH of Iowa. There isn't any reason that can't be put in the record, is there?

Mr. BONNER. No. I don't believe there would be any reason.

Mr. SMITH of Iowa. Will you put it in the record at this point.

Mr. BONNER. All right. We will submit our response for the record to the Committee.

[The information follows:]



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 6 1992

Honorable Bob Wise
 Chairman, Government Information,
 Justice, and Agriculture Subcommittee
 Committee on Government Operations
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your recent letter regarding the report from the General Accounting Office (GAO) entitled, "Computer Security: DEA Is Not Adequately Protecting National Security Information" (IMTEC-92-23). Both the Attorney General and the Administrator of Drug Enforcement share your concerns.

As you will note from the enclosed letter to the House Committee on Government Operations (with an identical letter to the Senate Committee on Government Affairs), the Department of Justice (DOJ) and the Drug Enforcement Administration (DEA) have undertaken a series of precise, definitive initiatives which should ensure that DEA will have an enhanced computer security program in place in the shortest possible time frame. We believe that these actions demonstrate our willingness to accept the GAO's findings of shortcomings in DEA's efforts to maintain proper computer security in its offices as well as our commitment to correcting the noted deficiencies.

At the same time, we believe the GAO has characterized the potential impact of these shortcomings with a degree of hyperbole which is not warranted. Again, while we share the concern which you and the GAO have expressed regarding the potential for jeopardizing DEA operations, or even the lives of DEA agents, we assure you that neither DOJ nor DEA possesses any substantive evidence that there has been any compromise of National Security Information at DEA or that any DEA operations or personnel have been placed at risk as a consequence of the shortcomings detailed in the GAO report. Further, we feel confident that the actions detailed in the enclosed document will eliminate, to the greatest extent possible, even the most remote possibility of these dire consequences becoming reality.

Honorable Bob Wise

Page Two

With regard to DOJ's oversight role in this matter, I assure you that DOJ will monitor DEA's implementation of the actions detailed in the enclosure. The Attorney General believes these actions constitute a comprehensive and effective plan for addressing the shortcomings noted by the GAO. As appropriate, DOJ and/or DEA will provide status reports to the cognizant committees in the Congress.

Sincerely yours,



W. Lee Rawls
Assistant Attorney General

Enclosure



U.S. Department of Justice

Drug Enforcement Administration

FEB 24 1982

Honorable John Conyers
Chairman, Government Operations
Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Attorney General has requested that I apprise you of the actions that the Drug Enforcement Administration (DEA) has taken in response to the recent report from the General Accounting Office (GAO) regarding computer security in DEA. Both the Department of Justice and DEA have reviewed the GAO report, entitled "Computer Security: DEA Is Not Adequately Protecting National Security Information," in its entirety. We appreciate the professional manner in which the GAO study team conducted its activities. While we recognize that their work will continue and that they will produce more detailed reports later, we find this initial report to be a useful tool in our efforts to eliminate computer security problems.

Both the Department and DEA view the GAO's findings in the most serious light, and we are dedicated to correcting the cited deficiencies in the shortest period of time. DEA, in fact, recognized the need for remedial actions in some instances prior to, and for reasons apart from, the GAO review and, in other instances, concurrent with the study team's on-site activities. These have been highlighted in the enclosure. I have also undertaken other actions as a result of the GAO report. These, too, are set forth in the enclosure.

For its part, the Department will monitor DEA's implementation of the actions detailed in the enclosure. I believe the cited actions constitute a comprehensive and

Honorable John Conyers

Page Two

effective plan for addressing the shortcomings noted by the GAO. As appropriate, the Department and DEA will provide you with status reports documenting our progress.

Very truly yours,



Robert C. Bonner
Administrator of Drug Enforcement

Enclosure

cc: William P. Barr
Attorney General

OBSERVATION ABOUT GAO REPORT

Mr. BONNER. I do want to say this, that there was a certain amount of hyperbole in the GAO report. Let me assure you, Mr. Chairman, that there is no evidence that there have been any breeches of security that have jeopardized any investigation of DEA, or much less jeopardized the safety of any of our agents or personnel. There is just no evidence of that whatsoever.

Nonetheless, I take the concerns that are raised by the GAO very seriously, and we are moving aggressively to identify and correct the potential weaknesses that were identified by GAO—particularly in the area of computers used to store classified documentation.

ANDEAN STRATEGY

Mr. SMITH of Iowa. Any change in our Andean strategy?

Mr. BONNER. I don't think there is a change. There is, I sense, a change in attitudes of many nations in Latin America, and I base that on conversations I have personally had with President Salinas of Mexico, with President Paz Zamora of Bolivia, with President Fujimori, with President Serrano in Guatemala, with high-level law enforcement officials throughout Latin America, and also during the recent summit of six of the key Latin American nations involved in the drug war.

What I sense and what I see is that there is a far greater receptivity to joint and cooperative efforts with the U.S. in the Andean region and throughout Latin America; more so than there was say three or four years ago.

A lot of that stems from the pretty graphic lessons that were learned in Colombia about and what happens when you allow drug traffickers to become as powerful, intimidating, and corruptive as the Medellin and the Cali Cartels. This is seen clearly by the government of Mexico and by most other governments in the region.

We have also seen something else happen, and that is it has become somewhat harder for the Colombian cartels to move the massive quantities of cocaine northbound to the United States. As it has become harder for them, more of their cocaine is being distributed in Europe and in Latin America itself.

So many of the countries surrounding Colombia are developing a serious cocaine consumption problem with all of the adverse effects that we know from our own experience. So there is a much greater interest and a much greater will to do things.

LATIN CONSUMPTION OF COCAINE INCREASING

Mr. SMITH of Iowa. You mean it is distributed there on its way here, just another stop?

Mr. BONNER. Colombian traffickers, rather than paying transport organizations in Venezuela or Central America in U.S. dollars, are instead paying them in cocaine. And when you pay transporters in cocaine, what those transporters do is become local drug traffickers for cocaine within their own countries. And that is what is happening.

Mr. SMITH of Iowa. They don't bring it up here and sell it?

Mr. BONNER. No, they don't bring it up here and sell it. They are simply taking their share of the profits in cocaine. They may not want it in cocaine, but they are getting it in cocaine, and then they market it in their own countries. And so there is a growing cocaine consumption problem throughout many regions of Latin America that simply didn't exist before.

I think that the power and corruptive influence of those traffickers, the violence and intimidation of the press and the judicial system, plus the growing cocaine consumption problem, have united the hemisphere in a way that just didn't exist a few years ago.

Nobody is pointing fingers at each other anymore or deciding who should be blamed for this problem. In the spirit of San Antonio, I am going to head-up the DEA sponsored International Drug Enforcement Conference. The 10th annual IDEC Conference will take place in Bolivia next month, and will follow-up on this spirit of cooperation and get more concrete and specific actions working against the major drug traffickers and their vulnerabilities.

And by that, I mean the agreements and broad principles reached in San Antonio which included an increased effort against the principal means of transport used by the kingpins, that being general aviation aircraft, along with a greater and enhanced attack on their assets, their source of wealth, and their ability to maintain their power and to finance the hundreds of metric tons of cocaine that they traffic.

We have a renewed will to develop more effective actions against their finances, against their assets, and I am going to follow up on that, I can assure you. We also have a greater will to attack their means of production—their cocaine processing laboratories in Peru, Bolivia, Colombia, and their access to essential chemicals, chemicals that are needed to make cocaine.

I think if we can increase this effort—this is not a new strategy—but if we can increase and ratchet up this effort, we are going to be able to weaken the leaders and key members of the Colombian cocaine cartels, and their lieutenants to the point that the Colombian government itself will go after those leaders in the same fashion that it vigorously pursued the leaders of the Medellin Cartel.

If that is done, and by the way, that is a lot of ifs, I grant you, I am certain it will have a dramatic impact on the ability of these organizations to finance, produce, and distribute the hundreds of metric tons of cocaine that the Cali Cartel is currently doing, and that ultimately means it is going to have a dramatic effect on the availability of cocaine reaching the United States.

So I think that I am not outlining a new strategy, per se, but I do think we have a new spirit of cooperation with our Latin American colleagues that is going to allow us to go a step beyond where we have been.

NEW DRUGS

Mr. SMITH of Iowa. Now, your budget and what you said this morning both indicate, of course, a heavy emphasis on the stopping

the flow of cocaine from South America. You have hardly mentioned Asia and new, alternative drugs.

Mr. BONNER. I actually dropped some comments I was going to make so I could keep my summary shorter. May I speak to those issues?

Mr. SMITH of Iowa. Yes.

Mr. BONNER. Certainly I am concerned with the increase in heroin availability in the United States. We looked at trend lines over the last five years and we have seen an explosion in the amount of opium production worldwide, principally, in the Golden Triangle, specifically in Burma.

And what do I mean by that? I mean opium production has quadrupled in Burma in the last five years. Heroin is refined in Burma also. It is principally refined by trafficker organizations that paint themselves in the mantle of insurgent groups. Kunsu would be a good example. Kunsu heads what is called the Shan United Army.

He has a headquarters just inside Burma, just across the Thai border. That is his command and control center where he controls the production of heroin and its ultimate movement, not just to the United States but to many other countries of the world.

Secondly, within the last five years we have seen heroin seizures double in the United States. Perhaps the warning flag was raised by the seizure that occurred last May in the San Francisco area where Southeast Asian heroin was seized.

As a result of a joint Customs and DEA investigation, we were able to arrest five major Southeast Asian heroin traffickers who had smuggled 1,100 pounds, pretty close to 500 kilograms of Southeast Asia, China white heroin into the United States. That is the largest heroin seizure ever in the United States. But even discounting that seizure, we have seen a dramatic increase in the seizures of heroin in the United States.

And thirdly, there has been a dramatic increase in the purity levels of heroin being sold on the streets of the United States, the retail level heroin. In certain cities on the East Coast, New York, Baltimore, and Boston, we have seen purity levels between 40 and 50 percent for pure heroin being sold at the street level.

HEROIN PRICE AND SUPPLY

Mr. SMITH of Iowa. Does that indicate the supply is increasing even faster than the new market?

Mr. BONNER. Well, I think it indicates a couple of things. It does tend to indicate an increase in supply, but I think it also indicates that heroin—I mean, if you went back 10 years ago, Mr. Chairman, it would be unusual to see street level heroin of above 5 percent.

So the levels of heroin purity that we are seeing at the street level suggest to me, and I think there is some evidence to support this, that heroin is being used by new users who are not using it in the traditional form, that is injected by hypodermic syringe, but they are smoking it or snorting it.

But all of the evidence tends to indicate a rise, and a pretty significant rise, in the amount of heroin that is coming into the United States. This rise is being produced and distributed worldwide. We are responding to that at DEA. We are not waiting.

I am not trying to characterize this as an epidemic or even comparable to the cocaine epidemic that we are still experiencing. But we at DEA are targeting the kingpins of international heroin trafficking.

We are devising and implementing enforcement programs at DEA that are calculated to disrupt and to begin to take a far more aggressive approach to the threat that is posed by heroin now. Let me also mention one other drug that concerns me, and that is LSD.

With respect to most illegal drugs, including cocaine, we have seen a decline in the number of drug users. This is also the case with most other illegal drugs in the United States, with the possible exception of heroin, and LSD.

Unfortunately, this drug seems to be making a comeback of sorts, particularly in high schools and junior highs in many areas across the country. I have responded to that by convening a conference last December made up of both law enforcement personnel from, not just DEA, but Federal, State and local law enforcement agencies, that have had some experience with this problem, and combined them for the first time with demand reduction experts. This has been done so that we could devise a coordinated strategy that addresses both the enforcement end of reducing LSD availability and the drug education or demand reduction end of the problem.

Both the heroin and, to some extent, the reemerging LSD threat are of concern to me, and I want to assure you, Mr. Chairman, that DEA is taking action to meet these threats, to get ahead of the curve so we are not as far behind the curve as we were with cocaine and with crack.

QUANTICO TRAINING CENTER

Mr. SMITH of Iowa. The new training facility at Quantico, is that a high-priority item?

Mr. BONNER. It's a very high-priority item. I think you know, Mr. Chairman, that the FBI facility at Quantico is overcapacity. It's not meeting the training needs of either DEA or the FBI. This is an important step, in relieving the pressure on the FBI academy and making sure that DEA training needs are met.

I think you are aware, Mr. Chairman, that last year space was so tight at the Academy that DEA's training was reduced to simply training new agents. We weren't able to do any of our other training for core series like diversion investigators, intelligence analysts, and the like, and we weren't able to do any in-service or advanced training.

So this is a very important step, I think both to assure that DEA is going to be able to meet its legitimate training requirements, and there, frankly, is no more important area than training, let me assure you, particularly in the drug enforcement area.

It is absolutely essential that we have good, effective training programs, not just for people coming in, but for people that are on-board, our in-service and advanced training. But it is also going to permit the FBI as well to bring in more personnel for training because we have moved some of their training out that has to be

done off-site which is very expensive for both the DEA and the Bureau.

It has impacted adversely on the Bureau's ability to do its State and local training through the National Academy and so forth. So this Justice Department training facility that is going to be, for which funds are sought in the DOJ budget, is vital in my judgment, certainly, to DEA and I think also extremely helpful to the FBI in terms of its training.

Mr. SMITH of Iowa. Now, you will be on an adjoining 170 acres; is that right?

Mr. BONNER. That is correct.

Mr. SMITH of Iowa. How much coordination, how much overlap and how much joint administration will it be?

Mr. BONNER. Well, we are working on putting together—and I anticipate absolutely no problems in this area, by the way—a memorandum of understanding with the Bureau, overseen by the Department of Justice. But in essence, the trainees, if you will, are going to be able to, and will continue to jointly share and use the joint facilities that exist at the FBI Academy at Quantico. Those include such things as the firing ranges, and Hogan's Alley, which is the practical exercise area.

Mr. SMITH of Iowa. You have worked that out?

Mr. BONNER. Yes. We share in common the belief that these joint facilities are important to law enforcement and drug law enforcement training. I am absolutely confident that this coordinated effort will be accomplished and that there will be no problems.

Mr. SMITH of Iowa. We may have a few other questions for the record. Thank you.

Mr. BONNER. Thank you, Mr. Chairman.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Drug Enforcement AdministrationIntelligence

QUESTION: What is driving the need for an Architectural and Engineering Study for the expansion of the El Paso Intelligence Center (EPIC)?

ANSWER: EPIC has been in operation at its present location, at Ft. Bliss, Texas, since 1988. This facility, planned in 1985 and 1986, was designed to accommodate up to 300 personnel. By the end of 1991, EPIC's authorized staffing level was at 305. This figure includes personnel from all participating Federal agencies, including the Department of Defense. If this same annual growth rate (15.5 percent) persists, staffing levels for 1993 and 1994 will be at 368 and 425, respectively.

The first step toward expanding the facilities at EPIC is an architectural and engineering study (A & E). An A&E study is necessary to clearly identify space requirements, begin design, and define cost estimates.

Andean Strategy

QUESTION: Why are you requesting an increase of \$5,865,000 and 66 positions to deploy to Latin America as part of your Andean Strategy?

- a. What duties will these agents perform when they are not deployed to Latin America?
- b. How many DEA personnel are deployed to Latin America at any one time?
- c. What type of cooperation are you receiving from each country in which you deploy personnel?

ANSWER: DEA is requesting 66 positions and \$5,865,000 to enhance operations supporting the Administration's Andean initiative and the Potential Source and Transit Country Strategy. DEA is responsible for establishing air, ground, riverine, and coca containment law enforcement capabilities in Andean countries, and addressing drug trafficking in non-Andean countries which have been identified as "potential source or transit" areas.

- a. When the Andean Support Teams return from a 90-day deployment, each agent will go through the following while serving the required minimum 120 days between deployments:

- o Mount-in (1 week)
Includes debriefings and medical screening
- o In-service skills training (2 weeks)
Training in tactics, weapons, communications, and

field medicine

- o Specialized training (2 weeks)
Training in riverine operations and leadership
- o Spanish Language Refresher Training (6 weeks)
- o Investigations Support (2 - 8 weeks)
Assisting in kingpin investigations and providing support to Divisional office investigations requiring agent-intensive resources (e.g., wire intercepts)
- o Mount-out (1 week)
Briefings on country of deployment and basic skills refresher

b. There are 35 special agents that are continuously deployed to Latin America. This figure does not include permanently assigned agents to those countries.

c. Cooperation is generally good with all SNOWCAP host country law enforcement personnel at the operational level. Problems have been encountered with host country political leaders voicing differences over counternarcotics policy. This was recently manifested at the Drug Summit in San Antonio in February with Peru's President Alberto Fujimori.

QUESTION: Would you describe the Northern Border Response Force (NBRF)?

a. How successful has this task force been?

b. How cooperative has the Mexican Government been?

ANSWER: The NBRF is a concept which provides the Mexican Government's law enforcement authorities the real-time or near real-time intelligence on suspected cocaine smuggler flights into Mexico; the airmobile capability to respond rapidly to the landing of these flights in order to apprehend the smugglers and seize the cocaine evidence and transportation vehicles; and the training and assistance to conduct the follow-up investigations necessary to identify those responsible for these events and perhaps predict future smuggling attempts and methods of operation.

a. NBRF success has resulted in a shift in trafficking patterns within Mexico to smuggler aircraft landings further south; and into Central America, particularly Guatemala. During 1991, the NBRF seized 18 smuggler aircraft, and 27 metric tons of cocaine destined for the United States. To date in 1992, six aircraft have been seized along with 6.8 metric tons of cocaine.

b. The Government of Mexico has adopted the DEA-developed NBRF model, and the Mexican Federal Judicial Police have implemented the program with many of their own resources.

Air Operations

QUESTION: What is the status of your new Aviation Operations Center?

ANSWER: DEA's new aviation facility, at Ft. Worth, Texas, is still in the design process. The ground breaking for the facility is expected to be in May of 1992. It is estimated that it will take 12 to 18 months to complete the facility.

QUESTION: In your testimony, you state that DEA possesses 100 aircraft, but has only 91 pilots on-hand to fly support missions. Why did you continue to purchase additional aircraft when you knew you did not have sufficient pilots to fly them?

ANSWER: DEA's primary reason for purchasing aircraft is not to expand the airfleet, but to meet changing mission demands and replace old unrepairable aircraft. DEA's planes are strategically placed, both domestically and abroad to meet its missions. For example, the mission demands in the Andean region require an entirely different aircraft than a domestic surveillance mission. If the number of planes is reduced, DEA's capability to meet these missions will be drastically reduced. DEA feels that it is better to keep the planes where they are located and then hire and deploy the pilots to fly them. DEA already has a number of unmet missions due to the lack of pilots -- getting rid of aircraft will not meet DEA's missions.

QUESTION: Why is it necessary that 15 of your 106 pilots be in management positions and unavailable for flight duties?

ANSWER: DEA, like any other aviation operation, places pilots in management positions because aviation knowledge and experience is critical to the job. Managers must know the capabilities of each aircraft and each pilot, and must match the two with the particular mission. Also, managers must ensure the aircraft are maintained and pilots are qualified in accordance with FAA standards.

DEA Training

QUESTION: How will this new facility affect your ability to provide training to State and local police?

ANSWER: The expanded Quantico Training Facility will not be used for the training of State and local law enforcement officers. The majority of State and local training will continue to take place within DEA field divisions. With DEA freeing up space at the existing FBI Academy, however, it is expected that the FBI will be able to provide additional state and local training.

State and Local Task Forces

QUESTION: What are the total number of DEA positions (agents and support) and State and local police officers participat-

ing in State and Local Task Forces?

ANSWER: DEA's current State and Local Task Force Program consists of 93 task forces, of which 59 are permanently funded and 34 are provisionals. There are 478 DEA positions (411 DEA agents and 67 support) plus 1,073 State and local police officers for a total of 1,551 law enforcement personnel participating in the program.

QUESTION: Is the \$8,394,000 you request for State and Local Task Forces solely to convert provisional task forces into permanent ones?

- a. Your justification identifies 12 cities as being considered for permanent status, but only four of them will be converted. Why are you not converting all 12 cities?
- b. How will you decide which cities are to be converted?

ANSWER: No, the resources requested for State and Local Task Forces are not solely to convert provisional task forces into permanent ones. The costs associated with converting a task force to permanent status include the cost of adding additional special agents to staff the task force fully as well as facilities costs in order to house the task force. The funds also pay for State and local officer overtime, motor vehicles, technical equipment, etc.

a. In 1993, DEA plans to convert four provisional task forces to permanent-funded status. The original list of 12 cities with provisional task forces has been further narrowed to seven which are being considered for conversion; however, after careful consideration, only four will be chosen. The seven cities are listed below with the DEA Division Offices under whose direction the task forces fall.

| <u>DIVISION OFFICE</u> | <u>TASK FORCE LOCATION</u> |
|------------------------|----------------------------|
| Atlanta Division | Nashville |
| Boston Division | Providence |
| Detroit Division | Columbus |
| Los Angeles Division | Orange County |
| | Riverside |
| Seattle Division | Portland |
| Washington Division | Richmond |

b. The State and Local Task Force Program coordinators will review each provisional task force and base their decision to convert task forces on the number and level of cases that have been under investigation during the provisional period of each task force. Those task forces that will benefit the most from having additional DEA funding and staff will be converted.

DEA Procurement Problems

QUESTION: What are you doing to correct problems with your

procurement process identified by the Department's Inspector General?

ANSWER: The deficiencies identified in the Inspector General's audit have been resolved and closed. Numerous policies and procedures have been issued and the DEA Administrative Manual, Chapter 2, "Purchasing and Contracting", has been revised and issued. DEA hired a new Deputy Assistant Administrator for Procurement in 1992. As of March 31, 1992, the DEA approval rate for first reviews of contracts for 1992 by the Department's Office of the Procurement Executive is approximately 75 percent. Filling existing vacancies, as well as a reorganization of the Office of Procurement, are in process.

QUESTION: Is it true that these problems were identified to DEA as far back as May 1989, and yet there was no corrective action taken?

ANSWER: After the identification of procurement deficiencies in May 1989, corrective actions were taken. A new Chief of Contracts was recruited and hired. However, the departure of key senior personnel and other inadequacies resulted in a reoccurrence of some of the problems. DEA requested and received a senior procurement person (on detail) from the Department in October 1991. This individual was subsequently selected for the position of Deputy Assistant Administrator for Procurement in 1992. The current staff has been upgraded and increased since the May 1989 audit.

QUESTION: Considering the tight budget situation, can you assure the Committee that you will commit yourself to following proper procurement procedures so that the DEA obtains equipment on a timely basis and at the most competitive price?

ANSWER: With the selection of the new Deputy Assistant Administrator; the increase in staff; the on-going recruitment of senior personnel; the revised procedures set forth in the Administrative Manual and issuance of new policies and procedures as set forth in the Federal Acquisition Regulations, DEA is firmly committed to awarding competitive contracts in a timely manner at fair and reasonable prices.

DEA Undercover Operations

QUESTION: The Department's Inspector General (IG) was also critical of DEA's oversight of undercover funds. Do you agree that inadequate controls and accounting placed these undercover funds at a greater risk of abuse or loss?

ANSWER: Section 6621.7D of DEA's Agents Manual established the responsibility for each Special Agent in Charge (SAC) to establish adequate controls over undercover funds and assets. Additionally, DEA will extend its automated undercover operations accounting system to all such operations. This, coupled with the detailed property inventories maintained for all Attorney General exempt undercover operations, should

provide more than adequate assurance to each SAC and to DEA Headquarters that undercover funds and assets are being safeguarded. Further, although there may have been some shortcomings in the area of financial reviews/audits, the Audit Team disclosed no instances of missing cash or assets.

QUESTION: What actions are you taking to correct any problems?

ANSWER: On April 1, 1992, DEA's Audit Liaison, the Chief of Undercover and Sensitive Operations Unit (OUS), personnel from the Office of Inspections (PI), and Planning and Policy Analysis met with representatives from the Office of Inspector General (OIG) to determine what specific actions would resolve each of the IG's recommendations. As a result of these discussions, all recommendations were resolved. In brief, DEA is making several additional revisions to its Agents and Planning and Inspection Manuals, and OUS and PI are developing additional guidelines to define and/or implement current and revised manual provisions.

Further, in late March, PI initiated action to secure the services of contract auditors. These personnel will be used by OUS and PI to meet their respective needs for better oversight of Attorney General exempt undercover operations. As agreed with the OIG's representatives in the April 1 meeting, this action, when implemented, will resolve the remaining recommendations.

QUESTION SUBMITTED BY CONGRESSMAN ALEXANDER

Drug Enforcement Administration

Aircraft

QUESTION: In the Salaries and Expenses account budget request for Fiscal Year 1993, you have asked for \$10.3 million for the purchase of aircraft and equipment. Is a part of this \$10.3 million to be used to purchase a 24-passenger helicopter, or any other helicopter, capable of transporting personnel directly to the site of drug activity? If not, what aircraft is to be purchased and what is it to be used for?

ANSWER: The \$10.3 million requested will be used to purchase one heavy-lift, pressurized, fixed-wing aircraft. The aircraft will be located in Bolivia and will be used to transport equipment and personnel in Bolivia and the Andean region. The funding is not requested in the Salaries and Expense account. It will be funded through an advance appropriation from the Department of Justice Assets Forfeiture Fund Capital Surplus.

QUESTIONS SUBMITTED BY CONGRESSMAN MOLLOHAN

Drug Enforcement AdministrationAircraft

QUESTION: Would you please provide information about DEA's fixed-wing aircraft program? How many aircraft does DEA intend to purchase, and what is DEA's procurement procedure for such aircraft?

ANSWER: DEA has an airfleet of approximately 100 aircraft. A total of 86 are fixed wing and the remainder are rotor (helicopters). DEA's planes are strategically placed, both domestically and abroad to meet its missions. These missions include surveillance, reconnaissance, and logistical support. In 1993, DEA will purchase one heavy-lift, fixed-wing aircraft to support DEA's drug suppression efforts in the Andean countries. DEA will utilize the normal procurement procedures of open and competitive bidding to purchase the best aircraft for the mission.

Diversion Control

QUESTION: I have been hearing recently about "new" regulations that the DEA is implementing. The effect of these "new" regulations is that healthcare providers in my home state of West Virginia (and other states as well) have been denied the legal authority to write prescriptions for controlled substances under their own DEA numbers. Would you please explain where these "new" regulations came from, and why there was no public notice of DEA's change in position? Further, since DEA apparently intends to leave this issue with the individual states, exactly what language would need to be included in State law in order for all affected healthcare providers to be re-issued their DEA numbers?

ANSWER: Since our February 12, 1992, meeting with Congressional staff regarding affiliated practitioners, additional research has been conducted on the affiliated practitioner issue. This research has included meetings with representatives from a number of other Federal programs, such as the Public Health Service and the Health Care Financing Administration, who are concerned with this subject.

Based on the information gathered from these meetings, as well as comments received in response to our proposed regulatory changes of February, 1991, DEA has determined that it would be in the best interest of all parties involved to withdraw our original proposal and adopt a more liberal registration system. This system would provide for independent DEA registration of affiliated practitioners. A Federal Register Notice announcing withdrawal of the proposal has been drafted and a new proposed rule should be issued shortly.

THURSDAY, MARCH 12, 1992.

ASSETS FORFEITURE FUND

WITNESSES

JEFFREY R. HOWARD, PRINCIPAL ASSOCIATE DEPUTY ATTORNEY GENERAL

CARY H. COPELAND, DIRECTOR AND CHIEF COUNSEL, EXECUTIVE OFFICE FOR ASSET FORFEITURE, OFFICE OF THE DEPUTY ATTORNEY GENERAL

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

INTRODUCTION

Mr. SMITH of Iowa. We will now hear testimony concerning the Assets Forfeiture Fund. For fiscal year 1993, the Department has requested a direct appropriation of \$100 million from the Assets Forfeiture Fund. The Department estimates that an additional \$339 million will be obligated as part of the management expenses associated with the Fund. We will insert in the record at this point the fiscal year 1993 budget justification for these requests.

[The information follows:]

Department of Justice
Assets Forfeiture Fund
Estimates for Fiscal Year 1993
Table of Contents

| | Page Number |
|--|----------------|
| Summary Statement..... | 1 |
| Justification of Proposed Changes in Appropriation Language..... | 5 |
| Crosswalk of 1993 Changes..... | 6 |
| Summary of Requirements..... | 7 |
| Justification of Program and Performance..... | 10 |
| Summary of Requirements by Grade and Object Class..... | 26 |

Department of Justice
Assets Forfeiture Fund
Summary Statement
Fiscal Year 1992

The Department of Justice is requesting \$439,000,000 for payments from the Assets Forfeiture Fund (the Fund) for 1993. Based on current projections, receipts to the Fund in 1993 will be \$525,000,000.

The primary purpose of the Fund is to provide a stable source of resources to cover the costs of an aggressive asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertising, forfeiting, and disposing of property. Prior to creation of the Fund in 1985, costs of these activities had to be diverted from agency operational funds. The more effective an agency was in seizing property, the greater the drain on its appropriated funds. Creation of the Fund is responsible, in large measure, for the dramatic growth in the Department's forfeiture program. Any legislative or policy initiatives that contemplate changing the operation of the Fund or the use of its receipts must be critically examined with this relationship in mind. The secondary purpose of the Fund is to provide surplus revenues to assist in financing important law enforcement programs. If the Fund ceases to function effectively in its primary role, surpluses will not be available for these law enforcement programs.

Since the creation of the Fund, the asset seizure and forfeiture program has grown rapidly. The inventory of property in custody has increased from 3,664 properties valued at \$113 million at the end of 1985 to over 31,000 properties valued at over \$1.4 billion at the end of fiscal year 1991. As of December 31, 1991, the inventory contained 30,154 properties valued at over \$1.4 billion. The Department has improved the maintenance of properties under seizure which makes them more attractive to potential buyers. The Department has also been more aggressive in arranging special sales of unique or high value property and become more adept at disposing of routine property. On average, the Department is obtaining a high percentage of the market value for most properties sold. Although 86 percent of 1991 receipts arose from forfeited cash or from penalties and payments in lieu of forfeiture, the Department's success in property management and disposal is a major factor in the high level of receipts, generating \$103.8 million in 1991. By 1993, we expect proceeds from the sale of property to reach \$120 million. Receipts are available to pay the "business expenses" of the forfeiture program, recognize the equity of innocent third parties, lienholders, and state and local law enforcement agencies, and fund authorized law enforcement purposes. For 1993, the Department is estimating \$339,000,000 for these purposes.

The Department's authority to incur these business expenses and recognize the equity interests of others is limited only by the level of receipts deposited into the fund. To the extent that receipts exceed the amounts necessary for these expenses, the fund may be used for authorized program management and investigative expenses. For 1993, the Department is requesting \$100,000,000 for these expenses, including special contract services, ADP systems, awards for information or assistance in drug enforcement cases; costs of equipping conveyances for drug law enforcement functions; the purchase of evidence and other expenses authorized by 28 U.S.C. 524(c)(1)(A)(i), (B), (C), (F), and (G).

The primary use planned for these funds is the acquisition of contract services for asset forfeiture processing, record keeping, and data management. In September 1991, the Department had over 800 contract personnel in place nation-wide to perform data entry, data analysis, word processing, file control, file review, quality control, and other process support functions. During 1992, the Department plans to have \$30 contract personnel in place. It is anticipated that retaining this level of service will cost approximately \$16.3 million in 1993. Without contract services, the Department will not be able to keep pace with the volume of seizures, and backlogs will increase. In addition, income to the fund will be reduced, expenses for maintenance and storage will increase, and the market value of property languishing in inventory will be adversely affected, including making payments to state and local law enforcement agencies.

The second major initiative to be funded within this appropriation request is a nation-wide integrated asset tracking system. This major multi-year system development project was initiated in 1990, and will be implemented in 1993. It has been named the Consolidated Asset Tracking System (CATS). CATS will provide telecommunications and processing capabilities that will tie together all agencies involved in the Department of Justice asset forfeiture program. Existing agency data bases will be converted to CATS, operating procedures will be updated, system users will be re-trained, parallel testing will be conducted, and cut-overs will occur throughout 1993. By the end of 1993, all existing asset tracking systems will be able to be terminated. For the first time, the Department of Justice will be able to prepare complete reports on all asset forfeiture activity on a contemporaneous basis. Investigative and prosecutive agencies will have available the actual results of their efforts, and office, agency and department managers will be able to assess the efficiency of the actual program and project program results in a more informed manner. Upon integration with the new financial management information system under development by the U.S. Marshals Service (USMS), the Department will be able to produce more informative financial statements that reflect the full economic activity of the asset forfeiture program.

It is estimated that design, development, and testing of CATS will continue during 1992. Implementation of CATS will proceed throughout 1993. In 1993, the Department plans to use approximately \$10.4 million for computer equipment and \$10 million for telecommunications equipment and services. These costs are planning estimates. Current contract actions are directed at completing a formal telecommunications network analysis to determine service and equipment needs. The level of additional computer equipment needed is dependent upon the amount of current equipment that will need to be replaced due

to age or incompatibility, and the number of additional locations that will require equipment for the first time. In addition, the Department anticipates acquiring a central processor, to be housed in one of the Department's major data centers, to be dedicated to serving the forfeiture network. The remaining funds are associated with maintenance of existing asset forfeiture systems until they are replaced, data conversion, training and other costs. In addition, the Department will be contracting for centralized system maintenance and support services, including a "help" facility.

Training on forfeiture and forfeiture-related subjects will continue to be a high priority, due to the constant evolution and development of asset forfeiture law and policy, and because of the addition of new staff. Funding provides for a variety of essential training: for tailored agency courses, such as DEA's Asset Removal Training, which focus on particular aspects of agencies' procedures; for basic and advanced legal training for U.S. Attorneys' staffs; and for multi-agency Federal as well as Federal, State, and local agencies inter-disciplinary seminars that ensure proper coordination and cooperation exist. Due to the availability of Fund monies, forfeiture training has been integrated into topical training activities, such as money laundering, financial investigations, financial institution fraud, Organized Crime Drug Enforcement Task Forces, and international cases. This outreach is extremely important. Relatively few positions are dedicated solely to the forfeiture program. If the full value of the forfeiture sanction is to be realized, the Department must touch the thousands of agents and attorneys and teach them to integrate asset seizure and forfeiture into their normal patterns of case development. This can only be done through an effective and aggressive training program. In order to expand the outreach program, the Department is developing a series of topical training videotapes on the forfeiture program. These tapes can be used to facilitate new employees with important topics or simply reinforce previous training. It is estimated that a total of \$6.2 million will be needed in 1993 for training activities.

The total funding planned for investigative expenses in 1993 is approximately \$21.7 million. This represents nearly a 40 percent reduction compared to 1992. While the availability of Fund monies for investigative expenses is very important in terms of maintaining new case development and encouraging agent attention to the forfeiture program, costs associated with contract services for asset forfeiture processing, record keeping and data management, as well as costs associated with the scheduled implementation of the CATS system must be met in 1993.

Equitable sharing payments represent the transfer of portions of Federally forfeited cash, and proceeds from the sale of forfeited property, to State and local law enforcement agencies and foreign governments that directly assisted in targeting or seizing the property. Between 1989 and 1991, sharings increased from 14,730 to 23,500, the number of sharings nearly doubling over a two-year time frame. By 1993, the number of sharings is expected to approach 30,000. For 1988 through 1990, sharing payments totalled \$43 million, averaging \$137.7 million in sharings per year. In 1991, sharing payments increased to \$266.8 million, nearly double the annual average up to that time. In part, this reflects our success in eliminating backlogs in sharing requests from old cases in which the receipts had been deposited in a prior fiscal year.

For 1992 and 1993, we are projecting equitable sharings to total \$347 million and \$257 million, respectively.

The Fund has served as a catalyst to involve more Federal, State and local investigative agencies in the forfeiture program. In 1991, the U.S. Park Police joined the Department of Justice's Asset Forfeiture Program, and in 1992, the U.S. Secret Service, Department of the Treasury, joined the program. The benefits to be achieved through inter-departmental cooperation and standardization of policies and procedures are enormous, not only from a program management perspective, but also from the perspective of preserving the due process rights of citizens. Legislative changes necessary to allow equal treatment to all participating agencies have been enacted.

A number of such legislative proposals were enacted in the 1992 Justice appropriations act, as well as other provisions that will benefit the program generally, including: (1) provision for the deposit of the Federal share of state, local and foreign forfeitures in the Fund, (2) expansion of the Fund's authority to pay awards for information or assistance leading to a forfeiture to reach any case involving a Federal agency participating in the Fund, (3) expansion of the Fund's authority to pay for the equipping of conveyances to include any participating agency, (4) provision for the transfers to the Special Forfeiture Fund only until current year availability in that Fund reaches \$150,000,000, and (5) permanent provision for the Attorney General to use any excess monies in the Fund at the end of the fiscal year to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of both Justice and non-Justice agencies. With these changes, it is anticipated that transfers to the Special Forfeiture Fund may be reduced, and additional funding will be available at the discretion of the Attorney General for the purchase of capital investment items in support of law enforcement, prosecution and correctional activities.

Assets Forfeiture Fund
Justification of Proposed Changes in Appropriation Language

Assets Forfeiture Fund

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, \$100,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

(28 U.S.C. 524, Department of Justice and Related Agencies Appropriations Act, 1992.)

Explanation of Changes

No changes proposed.

Assets Forfeiture Fund
Grosswalk of 1992 Changes
(In thousands of dollars)

| Activity/Program | 1992 President's Budget Request | Estimated Change | 1992 |
|--|------------------------------------|---------------------|--------------------------|
| | | | Appropriation Enacted |
| 1. Asset Specific Expenses..... | \$282,500 | \$38,500 | \$321,000 |
| 2. Program Management and Investigative Expenses..... | 100,000 | | 100,000 |
| Total..... | 382,500 | 38,500 | 421,000 |

Re-estimate of Equitable Sharing Payments. Based on higher than anticipated equitable sharing payments in 1991, the estimate for equitable sharing payments in 1992 is being increased from \$205 million to \$247 million. This represents 49 percent of estimated receipts of \$500 million. Through July 1991, equitable sharing represented 59 percent of income, exclusive of interest earned and the Michael Milken settlement. A primary reason for this increase was the elimination of prior year's backlogs.

Note: The First Dire Emergency Supplemental Appropriation Act of 1991, Public Law 102-27, dated April 10, 1991, amended 28 U.S.C. 524(c) to provide authority for the Attorney General to use any surplus funds remaining at the end of 1991 and 1992, after making the full statutory transfer to the Special Forfeiture Fund and reserving an amount for ongoing forfeiture program expenses, to purchase vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of the Department of Justice. Subsequently, the 1992 Department of Justice Appropriations Act, P.L. 102-140, was enacted which provided that these sums would be transferred to the respective accounts. Excluded from the accounts shown above are resources in the amount of \$78,840,000 to be transferred in 1992 in accordance with these provisions. Such transfers from the Fund are shown as Advance Appropriations in this justification and in the 1992 Budget of the United States.

Assets Forfeiture Fund
Summary of Requirements
(In thousands of dollars)

| | 1991 Actual | 1992 Estimate | 1993 Estimate |
|--|-----------------|------------------|------------------|
| Financing | | | |
| Unappropriated balance, start-of-year..... | 915,002 | 987,476 | \$99,160 |
| Collections/deposits/receipts..... | 643,585 | 900,000 | 525,000 |
| Recovery of prior year obligations..... | 11,836 | | |
| Subtotal: Total resources available..... | 670,413 | 987,476 | 524,160 |
| Less: | | | |
| Transfer to Special Forfeiture Fund..... | -150,000 | -28,476 | -53,500 |
| Advance Appropriation Transfers pursuant to P.L. 102-27, and P.L. 102-140 | | | |
| General Administration..... | ... | -78,840 | ... |
| Federal Bureau of Investigation (FBI)..... | ... | ... | -23,020 |
| Drug Enforcement Administration (DEA)..... | ... | ... | -12,800 |
| Immigration and Naturalization Service (INS)..... | ... | ... | -16,160 |
| Total, Advance Appropriation Transfers..... | ... | -78,840 | -49,980 |
| Total Transfers..... | -150,000 | -107,316 | -103,490 |
| Sequester of definite authority pursuant to P.L. 99-177, returned to receipts..... | -1 | ... | ... |
| Unobligated definite authority, returned to receipts..... | -1,811 | ... | ... |
| Unappropriated balance of receipts..... | -85,464 | -38,140 | -41,670 |
| Total, Unappropriated balance of receipts..... | -87,476 | -89,160 | -41,670 |
| Total, Transfers and Unappropriated end-of-year balances..... | -237,473 | -166,476 | -148,160 |
| Total Budget Authority | 433,947 | 421,008 | 439,000 |
| Recovery of Prior Year Obligations..... | 11,836 | | |
| Total Obligations..... | 421,111 | 421,008 | 439,000 |

Note: See page 9 for an explanation of differences from figures in the 1993 Budget of the United States.

**Assets Forfeiture Fund
Summary of Expenditures
(In thousands of dollars)**

| Obligations by Type of Expense | 1991 Actual | 1992 Estimate | 1993 Estimate |
|--|----------------|------------------|------------------|
| Asset-specific expenses: (indefinite authority) | | | |
| Asset management and disposal..... | \$42,320 | \$42,000 | \$46,000 |
| Other asset specific expenses..... | 29,447 | 32,000 | 36,000 |
| Equitable sharing payments..... | 246,813 | 247,000 | 257,000 |
| Adjustments to Prior Year Obligations..... | -11,824 | | |
| Subtotal: Asset-specific expenses..... | 325,924 | 331,000 | 339,000 |
| Program management and investigative expenses: (definite authority) | | | |
| Specialized contract services..... | 31,173 | 45,000 | 46,300 |
| Automated data processing..... | 12,601 | 19,500 | 24,250 |
| Training and printing..... | 5,082 | 6,000 | 6,200 |
| Other program management expenses..... | 1,529 | 1,250 | 1,500 |
| Awards..... | 23,180 | 14,500 | 9,125 |
| Purchase of evidence..... | 8,059 | 7,100 | 6,300 |
| Contracts to identify assets..... | 150 | 750 | 500 |
| Equipment conveyances..... | 14,988 | 8,200 | 9,000 |
| Storage, protection & destruction of controlled substances..... | 1,418 | 100 | 823 |
| Subtotal: Program management and investigative expenses..... | 98,182 | 106,000 | 108,000 |
| Total Obligations..... | 424,111 | 437,000 | 447,000 |

Note: See page 9 for an explanation of differences from figures in the 1991 Budget of the United States.

Assets Forfeiture Fund
Summary of Requirements
(In thousands of dollars)

Changes from the 1991 Budget of the United States:

| Line Description | 1991 Budget of the United States | | 1991 Congressional Budget Request | | Difference | |
|---|----------------------------------|----------|-----------------------------------|----------|------------|----------|
| | 1991 | 1992 | 1991 | 1992 | 1991 | 1992 |
| Unappropriated balance, start of year | \$15,635 | \$91,072 | \$15,002 | \$97,476 | \$633 | -\$6,396 |
| Collections/deposits/receipts | 645,470 | 500,000 | 643,585 | 500,000 | 1,885 | ... |
| Unobligated balance, definite authority | 1,077 | ... | 1,811 | ... | 734 | ... |

The 1991 Unappropriated balance, start-of-year shown in the 1991 Budget of the United States (the Budget) for the Assets Forfeiture Fund was overstated by the amount of \$63,000; and collections, deposits and receipts shown in the 1991 column were overstated by the amount of \$1,885,000 because certain prior year offsets to receipts were omitted in the figures provided in the Budget. The unobligated balance of definite authority in the 1991 column of the Budget was understated by \$74,000 because the distribution of an end-of-year adjustment in obligations between the definite and indefinite expenses of the Fund was not properly reflected in the Budget. The 1992 Unappropriated balance, start-of-year shown in the Budget includes the amount of \$1,078,000 as the result of adding 1991 unappropriated funds and unobligated 1991 definite authority back to receipts. However, these amounts were already included in the "collections/deposits/receipts" portion of the table, resulting in an overstatement in subsequent start-of-year balances for 1992 and 1993. Changes to start of year balances in 1992 and 1993 result from the previously referenced changes.

Obligations by Type of Expenses

The Budget indicates an unobligated balance of direct authority in the amount of \$1,077,000 versus an actual unobligated total of \$1,813,000. The distribution of end-of-year adjustments in obligations between the definite and indefinite categories of expenses were not properly depicted in the Budget.

Assets Forfeiture Fund
Justification of Program and Performance
(in thousands of dollars)

| | 1992 Appropriation As Enacted | 1992 Base | 1992 Estimate |
|---|----------------------------------|-----------|---------------|
| 1. Asset Specific Expenses..... | \$321,000 | \$339,000 | \$339,000 |
| 2. Program Management and Investigative Expenses | | | |
| Definite Authority..... | 100,000 | 100,000 | 100,000 |
| Total..... | 421,000 | 439,000 | 439,000 |

Long-Range Goal: To provide resources necessary to seize, manage, and dispose of property seized for forfeiture, including expenses of perfecting the forfeiture and recognizing legitimate interests of innocent third parties, and to provide central accountability for the management and use of forfeited cash and the proceeds of forfeited property. To the extent surplus funds are available, the Fund will provide a source of funds to assist in financing general forfeiture program expenses and other law enforcement requirements as authorized by law.

Major Objectives:

To pay expenses for detention, inventory, safeguarding, maintenance of property seized for forfeiture, and the disposal of forfeited property.

To pay case-related expenses for perfecting the forfeiture of seized property.

To ensure that valid third-party interests are not jeopardized unreasonably in the enforcement of forfeiture statutes.

To strengthen overall asset seizure and forfeiture efforts by funding certain program-related expenses allowable by statute.

To promote effective law enforcement by sharing amounts realized from forfeitures with State, local, and foreign law enforcement agencies that contributed directly to the forfeiture.

To pay awards for information and assistance leading to civil or criminal forfeitures involving any Federal agency participating in the Fund.

To equip conveyances for drug law enforcement purposes.

To assist in major investigations and prosecutions by making funds available to purchase evidence of violations of the Controlled Substances Act, the Controlled Substances Import and Export Act, RICO, or criminal money laundering laws.

Base Program Description: Identifying, seizing, and forfeiting illegal assets plays an increasingly important role in the Federal Government's efforts to stop crime and punish criminals. While even the highest individual criminals within a crime corporation are replaced quickly and easily, the removal of bank accounts, real property and other assets of the enterprise can disrupt operations severely. This, in turn, can create further opportunities to penetrate and compromise these illicit syndicates. However, not until 1985 was there a suitable funding source to cover the direct expenses associated with an aggressive asset forfeiture program, such as storage, security, maintenance, liens, mortgages, auctions, and advertising. The Comprehensive Forfeiture Act of 1984, part of the Comprehensive Crime Control Act of 1984, (P.L. 98-473, Title II, Chapter III), remedied this problem by creating the Assets Forfeiture Fund within the Department of Justice.

Once the Fund was in place, the Department began placing greater emphasis on the identification, location, seizure and forfeiture of assets as a standard aspect of major investigations. In addition, the Department sought and obtained authority to share forfeited assets with State and local law enforcement agencies and foreign governments that assisted in the law enforcement effort leading to the forfeiture. Today, hundreds of joint investigations involving thousands of State and local law enforcement officials are occurring across the country. Also, we are involved in a greater number of cases involving assets in foreign countries.

After seizure, the Federal investigative agencies have a critical role in getting the legal forfeiture process started by: (1) providing personal notice to the owner, and advertising the seizure to the public; (2) handling claims for the property from owners, lienholders, and State and local agencies with an "equitable share" in the property; and, (3) if the forfeiture is uncontested, issuing a "Declaration of Forfeiture", closing out the case file, and notifying interested parties of the

outcome. If the asset under seizure is real property or valued in excess of \$500,000, or if a claimant files a claim and posts a cost bond, then the case is referred to the appropriate U.S. Attorney's Office for judicial forfeiture proceedings. Following a forfeiture determination, whether judicial or administrative, there are often petitions from innocent owners that need to be investigated and answered. Finally, the forfeited property must be marketed and sold, transferred to a Federal, State or local agency for official use, or destroyed. Only then can revenues be deposited in the Fund.

Depending on the type of property involved, the strength of the market, the need to address petitions, and other factors, this entire forfeiture and disposal process may take 12 to 24 months. During this process, the property must be properly maintained to protect its value and efficiently disposed of after forfeiture to ensure the maximum return to the Federal Government. The Fund is used to pay the expenses incurred during completion of the forfeiture action. Later, any receipts from the disposal of the property are used to replenish the Fund. Under current law, we generally are to deposit, in the Fund, the proceeds from all forfeitures under any law enforced and administered by the Department of Justice. In the statutory exclusions for certain fish and wildlife statutes, the proceeds from administrative forfeitures by the non-Justice agencies, and the net proceeds from forfeitures under FIMDA. Once property is sold, the equitable interest, if any, earned by direct participation in the case, is distributed to the appropriate State and local law enforcement agencies. Often, in lieu of sale of property, the property is placed into official use by a participating State and local law enforcement agency or by a Federal agency.

RECEIPTS

For 1993, the Department estimates that income to the Fund will increase moderately to \$325,000,000. This amount includes estimates of: \$375,000,000 in forfeited cash, \$120,000,000 in proceeds from sale of property, \$20,000,000 in interest income generated through the investment of seized cash and unobligated amounts deposited to the Fund throughout the year, and \$10,000,000 in other miscellaneous income. This estimate reflects several factors that, in balance, would appear to substantiate limited growth in deposits to the Fund. Factors considered in arriving at this estimate include:

- (1) By 1993, the level of production of Assistant U.S. Attorneys (AUSA), investigative agents, and U.S. Marshals Service (USMS) personnel in handling seizures and forfeitures, and of contract personnel providing processing support to the program will have stabilized. In fact, this is already occurring. If we discount the Draxel-Burnham-Lambert and Michael Milken settlements in 1989 and 1991, respectively, and discount investment income, receipts from personnel production have increased from \$205.9 million in 1989, to \$384.3 million in 1990, to \$481.1 million in 1991, and to \$422.3 million in 1992. Thus, it appears the leveling process has begun. With the exception of an extraordinary case, it does not appear we can anticipate a major growth rate in recurring receipts unless more investigative workyears are directed to cases that result in deposits to the Fund.

- (2) The increase in the administrative forfeiture limits contained in Section 122 of Title I of Public Law 101-362, dated August 20, 1990, has decreased annual receipts significantly. During 1991, the amount of monetary instruments under seizure declined over \$103 million. The majority of this decline reflects monetary instruments (cash, checks, etc.) seizures by Internal Revenue Service and the Postal Inspection Service that are no longer referred to the Department of Justice for judicial forfeiture. Since the proceeds of administrative forfeitures of non-Justice agencies are not deposited into the Fund, this change represents a permanent reduction in Fund receipts.
- (3) The rate of growth in receipts from the proceeds of sale will begin to stabilize. Between 1988 and 1990, the value of property under seizure, other than monetary instruments, increased by an average of 40 percent. In 1990, receipts from the proceeds of sale (\$88 million) increased 49 percent compared to 1989 (\$58.9 million). In 1991, the USMS received 134 new positions to perform property management and contract administration functions for the asset forfeiture program. For 1991, receipts from the proceeds of sale were up another 17 percent (\$103.5 million), compared to 1990. Also, the value of property under seizure, excluding monetary instruments, increased 12 percent in 1991. This indicates that the higher rate of sales will improve in 1992 and 1993 as the effect of the new Marshals personnel is realized, but only marginally, due to the slowed growth in the inventory. In fact, if the Marshals personnel are highly successful at moving current seized property, the Department may actually experience a decline in the size and value of the inventory for the first time. Some gains in receipts may be realized through more effective methods of disposal, e.g., obtaining 90 percent of market value instead of 85 percent. Yet, such gains represent only an additional \$3 to \$5 million annually and are unlikely to be maintained indefinitely. Also, our ability to realize a higher percentage of market value on real and commercial property is complicated by the effects on the real estate and other markets of large quantity disposals executed by the Resolution Trust Corporation.
- (4) The increased emphasis on money laundering and international forfeitures will be generating substantial additional receipts annually. Hundreds of millions of dollars in illegal proceeds have been secreted overseas. As we make progress in piercing the international banking veil, more of these funds will be subject to repatriation and forfeiture. While the repatriation of assets is not currently a significant source of Fund receipts, the Department has made significant progress this year in explaining and convincing foreign governments that such cooperation is in their best interests. Of course, part of the receipts will be shared internationally. These aspects will be reinforced in our international training programs. By 1993, we expect greater success in international forfeitures.
- (5) The number of seizures executed in 1992 by the FBI and the DEA will increase compared to 1991, as field forfeiture teams become more adept. This increase is due to the greater effort placed on pre-seizure analysis of cases. The FBI is establishing additional Forfeiture Asset Seizure Teams in the field, and DEA is making significant use of contract personnel to assist in the identification of forfeitable assets. This additional production will offset the loss of

receipts, realized in 1991, from the effort to eliminate administrative case backlogs. These administrative case backlogs were virtually eliminated by the end of 1991.

- (6) Significant forfeiture talent will be engaged in the search for, and forfeiture of, assets pirated from savings and loan institutions. In this area, the recovered assets will only be deposited to the Fund to the extent necessary to cover costs. Any surplus will be returned to the institution, if solvent, or to the insurance trust fund. Thus, the Fund will receive no benefit from these cases. Thus, millions of dollars in forfeitures that, under other circumstances, would be reported as receipts for the Fund, will be directed to other repositories. A similar situation exists with respect to forfeitures under various white collar crime statutes. In these cases, seized assets are usually directed to victims as restitution. Rarely does the value of assets seized exceed the amount of restitution due identifiable victims. This is the case with the Bank of Credit and Commerce International S.A. (BCCI) matter. Although it is anticipated that over \$500 million will be seized in this case, the Fund will not benefit from these funds.

ASSET SPECIFIC EXPENSES

1. Management of seized assets (\$46,000,000): The primary purpose of the Department of Justice Assets Forfeiture Fund is to ensure an adequate and appropriate source of funding for the management and disposal of seized and forfeited assets. These expenses would otherwise be paid by seizing agencies out of operating budgets funded by taxpayer dollars. The Fund puts criminals' money to work for the taxpayer. The current estimates for 1992 and 1993 are below the previous estimate for 1992 contained in the President's 1992 Budget. Although the previous estimates have been revised downward, we continue to project increasing asset management expenses. This is reflective of higher rates charged for services and movement to more comprehensive management and maintenance services. Expenses for custodial storage have increased from \$8,032,709 in 1989 to \$8,912,690 in 1991, nearly a \$900,000 increase in costs per year. By 1993, we expect custodial storage costs to exceed \$10 million. In addition, custodial and guard services exceeded \$4,295,000 in 1990. For 1991, these services exceeded \$10.8 million. We anticipate these costs to increase to \$12 million in 1993. This growth reflects major inventory increases in 1990 and 1991 for real property, vehicles, aircraft and other property. Despite a decline in vehicle seizures in 1991, the number of real properties and businesses under seizure increased 21 percent in 1991, to 4,746 properties valued at \$744 million as of September 30, 1991. Real property and business seizures are the most complicated and costly to manage. Based upon a recent General Accounting Office audit of our management of commercial real properties, additional services will be procured, at added cost, to ensure proper management and efficient disposal of these properties. Contracts are already in place in many areas of the country. In addition, the Department plans to establish a task order contract with one or more national accounting services firms. When the USMS learns that seizure of a business is imminent, they will

be able to prepare a task order to obtain the professional services needed to conduct a valuation of business inventory, to complete an assessment of assets and liabilities of the business, or to perform other related services to facilitate informed decisions on the management and disposal of the seized business.

Another important area requiring additional funding is the assessment, containment and removal of hazardous waste from seized property. The estimate for 1993 includes \$10 million for this activity, compared to approximately \$8 million in 1991. The USGS and DEA will continue to utilize the Fund for disposal of toxic and hazardous substances. The Fund has been instrumental in allowing for the development of an environmentally-conscious method for hazardous waste disposal. These costs include the expenses of packaging, transporting and destroying precursor chemicals and other hazardous materials seized at clandestine lab sites by certified hazardous waste disposal firms. The Department of Justice is also using the Army Corps of Engineers, on a reimbursable basis, to provide site surveys and assessments of environmental damage on seized properties with suspected hazardous waste contamination. The Corps also will provide estimated costs for the clean up of such properties. This service facilitates more informed decisions on the forfeiture or release of such property.

Despite these increases, the Department of Justice has demonstrated remarkable progress in cost containment. For example, in 1989, the Fund received \$98.9 million in proceeds from the sale of property. This represented 1.9 times asset management and disposal costs. In 1990, the \$87.9 million in proceeds from the sale of property represented 2.4 times asset management expenses. In 1991, the \$103.5 million in proceeds from the sale of property represented 2.5 times asset management expenses. Even with the increase in asset management expenses due to handling of hazardous waste, the 1993 estimate for proceeds from the sale of property is 2.6 times asset management expenses.

2. Other Asset Specific Expenses (\$16,000,000): This category includes payments of amounts to satisfy third-party interests, including lienholders and other innocent parties, pursuant to 28 U.S.C. 524(c)(1)(B), payments in connection with the remission and mitigation of forfeitures, pursuant to 28 U.S.C. 524(c)(1)(E), and direct expenses incurred in perfecting the forfeiture. Normally, payments of liens are deducted directly from sales proceeds, using procedures customary in real estate settlements. However, in some cases, forfeited cash and proceeds from the sale of forfeited property are first deposited to the Fund and then disbursements are made to innocent lienholders. In 1991, payments of innocent third party interests totaled approximately \$15.3 million. Under recently revised policies, it is likely that payment of most liens and mortgages on real property will occur once the property is forfeited but before it is sold. This will avoid payment of interest on outstanding liens and mortgages following the date of forfeiture. However, it will also reduce the number of cases in which the lien or mortgage was deducted from sale proceeds prior to deposit into the Fund. This will result in both higher deposits and higher payments. Further, lien and mortgage payments are expected to increase sharply based on the 27 percent increase in the inventory of seized real property and businesses in the past 14 months. It is estimated that these costs will increase to approximately \$22 million by 1993.

Also included are expenses associated with the prosecution of a forfeiture case or execution of a forfeiture judgment, such as advertising, travel and subsistence, court and deposition reporting, courtroom exhibit services, and expert witness costs. In appropriate cases, the services of foreign counsel may be necessary. In this area, advertising is the single most significant expense. Under current law, the Department must advertise each seizure three consecutive weeks in a newspaper of general circulation in the area of the seizure. This is in addition to the cost of direct notice to all putative claimants by certified mail or other means. Thus, this expense is directly related to the volume of seizures. In 1991, advertising expenses exceeded \$3.9 million. For 1993, advertising expenses are expected to reach \$5 million.

3. Equitable sharing payments (\$257,000,000): Equitable sharing payments represent the transfer of portions of Federally forfeited cash, and proceeds from the sale of forfeited property, to State and local law enforcement agencies and foreign governments that directly assisted in targeting or seizing the property. Most task force cases, for example, result in property forfeitures whose proceeds are shared among the participating agencies. The FBI estimates that approximately 60 percent of its cases, involving about 40 percent of asset value, involve State and local agencies. For DEA, about 70 percent of its cases, involving about 50 percent of asset value, involve sharing. As more joint task forces are formed between Federal, State and local agencies, these percentages will increase. The level of equitable sharing workload of the USMS also reflects this trend. In 1986, the USMS executed 1,327 sharings. Between 1989 and 1991, sharings increased from 11,730 to 23,500, the numbers of sharing nearly doubling over a two-year time frame. By 1993, the number of sharings is expected to approach 30,000. For 1988 through 1990, sharing payments averaged about 46 percent of net income. In 1991, sharing payments increased to almost 60 percent of net income, exclusive of income from the Michael Milken case. In part, this reflects our success in eliminating backlogs in sharing requests from old cases in which the receipts had been deposited in a prior fiscal year. For 1993, we are projecting equitable sharing to be 58 percent of net income. Any change in this rate of sharing will directly affect the surplus available for transfer to the Special Forfeiture Fund and for other purposes.

PROGRAM MANAGEMENT AND INVESTIGATIVE EXPENSES

1. Specialized contract services (\$16,300,000): The Department of Justice asset forfeiture program is making extensive use of contract personnel to manage the massive paper flow associated with forfeiture. During 1992, the Department plans to have placed 830 contract personnel nationwide to perform data entry, data analysis, word processing, file control, file review, quality control, case file preparation and other process support functions. Over 800 contract personnel were on-board by September 1991. These workers have become an integral part of the asset forfeiture program. Without this contract support, it would be impossible to maintain automated data bases, process the tens of thousands of equitable sharing requests, or maintain the tens of thousands of forfeiture case files. For all practical purposes, the forfeiture program

would grind to a halt. Income to the Fund will be reduced to a trickle, expenses for maintenance and storage will increase, and the market value of property languishing in inventory will be adversely affected. At 1993 contract rates, these 930 contract personnel will cost \$42 million. The additional \$4.3 million is required for limited growth, to fund space costs, training, security investigations, equipment and other costs associated with the contract personnel. It should also be noted that the current contract expires in 1993. The Department of Justice will be conducting a re-solicitation of this contract. Use of the current contract is limited to six Justice agencies. One objective of the re-competition will be to make contract support services available to all participants in the Justice asset forfeiture program. Also, another result of the re-competition is a possibility that Fund monies may be required for extraordinary expenses associated with transition from one contractor to another.

2. ADP (24.250.0001): The major information systems development plan initiated in 1990 will conclude in 1993. From an automation viewpoint, 1993 will be a major milestone for the asset forfeiture program. The nation-wide Consolidated Asset Tracking System (CATS) will be implemented. CATS will provide telecommunications and processing capabilities that will tie together all agencies involved in the Department of Justice asset forfeiture program. Existing agency data bases will be converted to CATS, operating procedures will be updated, system users will be re-trained, parallel testing will be conducted, and cut-overs will occur throughout 1993. By the end of 1993, all existing asset tracking systems will be able to be terminated. For the first time, the Department of Justice will be able to prepare complete reports on all asset forfeiture activity on a contemporaneous basis, investigative and prosecutive agencies will have available the actual results of their efforts, and office, agency and Department managers will be able to assess the efficiency of the actual program and estimate future program results in a more informed manner. With the integration of the new financial management system under development by the USMS, the Department will be able to produce more informative financial statements that reflect the full economic activity of the asset forfeiture program.

The CATS project proceeds from a thorough analysis of program needs. In October 1989, the Attorney General identified the development of a single, integrated information system able to capture and maintain operational information on all aspects of the asset forfeiture process as a major management objective. CATS will satisfy the operational requirements of field personnel, will meet the information requirement of field supervisors, and will meet the management information requirements of headquarters and Departmental offices. The Department completed a formal Information Requirements Analysis and Feasibility Study in August, 1990. This represented the first time that the requirements of all the participating agencies have been identified and validated through reviews at headquarters and the field, and integrated into a single systems concept.

On September 21, 1990, the Office of the Inspector General issued a report on the Department's asset forfeiture program. The report noted that accurate consolidated information on seized and forfeited assets is presently lacking. Citing the

need for an integrated system capable of providing accurate, reliable, and timely information on the asset forfeiture program as a whole, the Inspector General recommended that the Department eliminate redundant information systems and develop a Departmental asset tracking system that will address the information needs of the component agencies, as well as those of the management offices. The Inspector General's report validated the recommendations arising from the Requirements Analysis and Feasibility Study. The recommendations of the study were approved by the Attorney General in September 1990. A project charter was then approved by the Deputy Attorney General and system design and development commenced immediately.

The absence of accurate, timely and complete information on the asset forfeiture program has also been a source of criticism by the General Accounting Office, the House Judiciary Committee's Subcommittee on Crime, the House Surveys and Investigations Staff, the Office of Management and Budget, and others. This deficiency was a primary reason the Attorney General reported the asset forfeiture program as a material weakness in his last two annual reports to the President under the Federal Managers' Financial Integrity Act.

CATS will tie several hundred locations together into a national telecommunications network, provide modern technology to perform many tasks currently done manually or to make automated tasks more efficient, eliminate redundant entry of information, provide consistency among the agencies performing the same functions, provide current information to field personnel on the status and results of their cases, integrate financial analysis capabilities into the inventory management process, provide a rational process for the estimation of program income and expenses, provide a formal basis for the assessment of staffing requirements, and provide the capability for agency and Department managers to review and assess program activity on a continuous basis.

Due to the broad scope and the extraordinary complexity of this development project, it is estimated that design, development, pilot testing and evaluation will continue throughout 1992. By winter 1992, the Department will be ready to begin implementation of CATS. For 1993, the Department plans to use approximately \$10.4 million for computer equipment and \$10 million for telecommunications equipment and services. These costs are planning estimates. Current contract actions are directed at completing a formal telecommunications network analysis to size service and equipment needs. The level of additional computer equipment needed is dependent upon the amount of current equipment that will need to be replaced due to age or incompatibility, and the number of additional locations that will require equipment for the first time. In addition, the Department anticipates acquiring a central processor, to be housed in one of the Department's major data centers, to be dedicated to serving the forfeiture network. The remaining funds are associated with maintenance of existing asset forfeiture systems until they are replaced, data conversion, training and other costs. In addition, the Department will be contracting for centralized system maintenance and support services, including a "help" facility.

3. Training and Printing (55-200-0001): Training on forfeiture and forfeiture-related subjects will continue to be a priority, due to the constant evolution and development of asset forfeiture law and policy, and because of the addition of new staff. Funding provides for a variety of essential training: for tailored agency courses, such as DEA's Asset Removal Training, which focus on particular aspects of agencies' procedures; for basic and advanced legal training for U.S. Attorneys' staffs; and for multi-agency Federal as well as Federal, State, and local agencies inter-disciplinary seminars that ensure proper coordination and cooperation exist. Due to the availability of funds, forfeiture training has been integrated into topical training activities, such as money laundering, financial investigations, FIRREA, Organized Crime Drug Enforcement Task Forces, and international cases. This outreach is extremely important. Relatively few positions are dedicated solely to the forfeiture program. If the full value of this sanction is to be realized, the Department must touch the thousands of agents and attorneys and teach them to integrate asset seizure and forfeiture into their normal patterns of case development. This can only be done through an effective and aggressive training program. In order to expand the outreach program, the Department is developing a series of topical training videotapes on the forfeiture program. These tapes can be used to familiarize new employees with important topics or simply reinforce previous training.

The Department is using the Law Enforcement Coordinating Committee (LECC) coordinators to provide leadership in the field with respect to the equitable sharing program. It will be necessary to acquaint State and local agencies, as well as the coordinators, with changes in Federal forfeiture laws and Department procedures. Training is needed in new techniques to be used in developing financial investigations. Improved record-keeping can lead to assets that can be forfeited under RICO and the substantive money laundering statutes. In addition, many districts will hold local training programs.

The Criminal Division and the U.S. Attorneys will continue to sponsor 6-10 conferences per year (basic and advanced seminars for forfeiture attorneys, training courses for all support personnel, and specialized criminal and civil forfeiture courses for select AUSAs, etc.). This request also includes funding for three money laundering conferences, support for conferences put on by other Federal, State, and local law enforcement agencies, and two international conferences. Printing costs reflect the continuing need to provide current legal advice and support by updating and distributing its forfeiture manual, and for printing numerous pamphlets directly relating to forfeiture issues, policies, and procedures.

The USMS will conduct real estate training, regional asset management seminars, basic asset management training for new employees, and other specialized training. The Bureau of Alcohol, Tobacco and Firearms (BATF) has integrated forfeiture-related training into its basic agent training course and its Safety and Survival Seminar for experienced agents. In 1993, BATF plans to conduct 10 seminars at the Federal Law Enforcement Training Center in Glynnco, Georgia for over 200 students. Another 240 students will attend the basic training program. In 1991, the Immigration and Naturalization Service (INS) implemented its first forfeiture training conference for field personnel. Most attendees had never received formal

forfeiture training. In 1993, INS is planning eight training conferences. The Drug Enforcement Administration (DEA) provided asset removal training to several hundred students. Attendees included DEA agents, State and local officers, and officials from other Federal agencies. In 1990, DEA conducted its first overseas asset removal course for foreign-based DEA agents. In 1993, DEA will further expand forfeiture training to include in-service training for diversion investigators and intelligence analysts. The Federal Bureau of Investigation (FBI) trains several hundred Federal, State and local officers in forfeiture subjects each year. In 1993, the FBI plans to conduct Forfeiture Asset Seizure Team conferences for 220 members, forfeiture training programs in 10 field offices to reach another 250 students, six regional training classes on specialized topics, and two regional forfeiture training programs for paralegal specialists.

4. Other program management expenses (\$1,500,000): This category includes several types of expenses that are critical to the overall management of the asset forfeiture program. Activities to be funded under this heading include the annual audit of financial statements of the Asset Forfeiture Fund and the Seized Asset Deposit Fund by an independent accounting firm, special assessments and reviews, and reconciliation of asset forfeiture data bases. This funding will provide for management analysis, performance assessment, problem analysis, requirements analyses, policy development, and other special projects designed to improve program performance. In addition, this funding will provide travel and per diem funds for temporary duty assignments needed to correct program deficiencies.

In 1989, the Department established a policy requiring annual audits of the Funds. The Department contracted with a private accounting firm to audit the Fund for fiscal year 1989. The results of the audit were contained in the Department's annual report to Congress on the asset forfeiture program. The audit for fiscal year 1990 has been completed, and the audit for 1991 has been ordered. In keeping with the direction of the Attorney General to place this program on a business-like footing, to the extent practical, the Department is planning to contract for audits on an annual basis. By 1993, these audits will be much more extensive in terms of geographical coverage and scope. It is estimated that the annual audit program will cost \$300,000 or more in 1993.

The Department has also used this category to fund an independent evaluation of the forfeiture training programs and training needs. The results of this contract will be available in early 1992. This evaluation will provide information needed to make informed judgments concerning which training programs are most likely to produce measurable results, and to plan development of future training programs and materials.

The Department is also proceeding with plans to develop a task order contract with one or more national firms to provide program support services. The services include management analysis, performance assessment, requirements analysis, systems evaluation, program evaluation, policy analysis and related services. This contract will be available to all program

participants for use in improving program operations, to inform policymaking, and to provide independent assessments of problems and performance. It is estimated that these services will cost \$1.1 million in 1993.

As mentioned earlier, a similar task order contract will be pursued for audit and accounting services. Under this category, this contract will be used to order contract compliance audits across the country. The USMS executes contracts every year with hundreds of service providers in support of the asset forfeiture program. Use of the Fund to audit these contracts will strengthen program oversight, ensure program integrity, and improve the cost effectiveness of service delivery.

However, the amount invested in these two items will depend on the cost of other initiatives funded in 1993. Resource requirements associated with direct asset control and implementation of the CATS system will absorb a significant portion of discretionary resources in 1993, leaving limited funds available for other discretionary needs.

5. Awards for Information (\$9,125,000) and Purchase of Evidence (\$6,100,000): The two categories of awards payable from the Fund directly support drug law enforcement efforts by encouraging the cooperation and assistance of informants. The two categories are: (1) for information or assistance related directly to the forfeiture of property; and (2) for information or assistance related to a violation of criminal drug laws, including information leading to the arrest and conviction of anyone who kills or kidnaps a Federal drug law enforcement agent. The Fund may also be used to purchase evidence of violations of the drug laws, of RICO, and of criminal money-laundering laws.

Payment of awards to sources of information creates tremendous motivation for individuals to assist the government in the investigation of criminal activity and the seizure of assets. Many cases would be impossible to bring to trial without the use of cooperating individuals. Even where the government has reason to believe criminal activity is occurring, an inside informant can facilitate the cost effective deployment of scarce investigative resources to obtain the greatest results.

This request represents nearly a 30 percent reduction from the amount anticipated to be used in 1992, and is about half the amount actually used for 1991. Again, it is necessary to curtail these discretionary expenses in order to meet other pressing priorities for these funds in 1993.

6. Contracts to Identify Assets (\$500,000): In 1990 the Department approved funding of \$500,000 for FBI and DEA for the identification of forfeitable assets. The FBI used the funds to pay for subscription services to nation-wide public records data systems. DEA established a pilot program in eight field divisions to permit acquisition of specialized assistance such as reconstruction of seized financial records. Both approaches have been successful and are being expanded. At some point in the future, it is anticipated that this approach will be expanded to the Internal Revenue Service and the Postal Inspection Service. Unfortunately, resources available for this expense category are scarce in 1993 as other initiatives

take priority for the use of discretionary funds. If resources become available, this type of contracting will be extended.

7. Equipping conveyances (\$5,000,000): This category provides funding to equip conveyances for drug law enforcement functions. This funding has been used for emergency and communications equipment, voice privacy and surveillance equipment, armoring, and engine upgrades and avionics equipment for aircraft. Further, the funding has been utilized for special projects such as the funding in 1989 for equipping six helicopters for use in Peru and Bolivia in Operation SHONCAP, and other drug enforcement activities. During 1990, funding was used to equip and armor a seal-tractor trailer for use as a mobile command center, equipping a highly sophisticated aerial platform for nighttime surveillance, as well as for other important projects. In 1991 and 1992, Fund allocations for equipping have been reduced to allow redirection of Fund monies to higher priority projects. Nevertheless, 1991 monies will produce significant benefits for both FBI and DEA. With respect to 1993, the principal beneficiaries of this request are the FBI Drug program and the DEA. DEA's entire fleet of 19 marine vessels is forfeited property with a current value of \$3.5 million. Upon forfeiture, each of these vessels was equipped using Fund monies. In a recent case, the undercover use of one of these vessels as surveillance vehicles led to the seizure of over \$300,000 in currency. In 1991, Fund monies will be used to equip five aircraft. For 1992 and 1993, contingent upon the availability of funds, DEA plans to equip an additional 17 aircraft. Over the past three years, the Fund has also been used to equip 39 vehicles for field surveillance needs.

8. Storage, protection, and destruction of controlled substances (\$825,000): This is an uncontrollable asset-specific expense consisting of the costs of warehousing and guarding controlled substances, and the costs associated with the removal, transportation, and destruction of these substances. This funding has also been used to purchase safes for the storage of controlled substances. The request reflects a small increase compared to 1992.

Accomplishments and Workload

Revenues in 1991, totalling \$644.3 million, set a new Fund record. The settlement in the Michael Milken case (\$176.3 million) represented the single largest receipt in 1991, and the second largest in Fund history. The USMS effected the transfer of the Milken settlement electronically, allowing the Fund to reap an additional three to four days interest earnings. Receipts from the proceeds of sales of property are also at a record pace. Receipts from property sales increased an extraordinary 49 percent from \$58.9 million in 1989 to \$88 million in 1990. Nevertheless, these receipts are projected to reach \$103 million in 1991. During the year, the Fund surpassed the \$1 billion mark in cumulative receipts.

At the end of February 1989, the Department of Justice initiated an investment program, in which excess amounts in the Assets Forfeiture Fund are invested in interest bearing market-based U.S. Government Securities. Interest earnings totalled \$4.5 million in 1989, \$8.5 million in 1990, and \$13.5 million in 1991.

From 1986 through 1990, the USMS executed more than 42,000 equitable sharing transfers, worth over a half a billion dollars in forfeited cash, proceeds and property, to State and local agencies participating in the "war on drugs". In 1991, \$266.8 million in cash and \$21.2 million in property was transferred to our State and local and foreign partners through the equitable sharing program. This will bring the cumulative total value of assets transferred to State and local law enforcement to over \$834 million.

The Fund has also made possible interim improvements in information management. The USMS obtained an independent evaluation of the strengths and weaknesses of its Seized Assets Management System (SAMS). The evaluation established the utility of the SAMS as an interim asset tracking system until CATS is operational. The evaluation also identified system improvements that can be made during this interim period. The USMS has now installed an improved version of SAMS in all 94 USMS district offices. All system users have been trained and all sites are now operational. Additional software improvements, including a new equitable sharing tracking component, were funded and were installed at all SAMS sites by October 1991. The success of SAMS at the district level is a critical aspect of the Department's planned transition to CATS in 1993.

The Department is conducting a project to standardize forms used within the asset forfeiture program. Currently, each agency uses its own set of forms. The initial survey of forms identified over 400 different forms in use. A working group of agency representatives was formed to sift through this collection, identify a core set of forms to standardize, and develop prototypes. Approximately 50 standard forms are being developed to replace over 250 current forms. These standard forms will also be incorporated into CATS, the new integrated asset tracking system currently under development. This will facilitate system generation of forms to the maximum extent practical and greatly reduce manual forms production. In an associated project, the Department has worked with all participating agencies to develop a standard method for identifying

assets. Agreement has been reached on the form of the standard identifier. This standard identifier will also be incorporated into the integrated asset tracking system and the standard program forms.

The USMS has developed an advertisement on upcoming auctions and significant properties. The advertisement is published monthly and has been invaluable in promoting forfeiture sales and in educating the general public on how such sales are conducted. The USMS has also initiated an expanded program of contract compliance reviews to enhance contract oversight and to ensure that the Department is receiving the services for which it contracts. Also, in 1991, the participants in the asset forfeiture program conducted a nation-wide physical inventory of seized property. This effort was designed to ensure that agency records regarding property under seizure were corrected. An additional aspect of the inventory to be conducted for property on hand as of September 30, 1991, are procedures to reconcile seizing agency records with records maintained by the USMS. This process resulted in resolution of numerous disagreements among the agencies regarding the status of particular properties, identified certain procedural changes that are necessary, and validated the integrity of the program. Out of an inventory of almost \$1.4 billion, less than \$50,000 in property was reported lost or stolen.

In 1990, the Department also initiated periodic reviews of seized cash and monetary instruments not on deposit with the U.S. Treasury. These assets are often held for evidentiary or other purposes. However, the presence of large sums of cash in offices across the country presents special security problems. As a result of these reviews, the amount of seized cash and monetary instruments not on deposit with the Treasury declined sharply from \$28.1 billion as of September 30, 1990, to \$21.1 million as of September 30, 1991. These reviews have also served an important educational purpose by keeping field agents and AUSAs constantly aware of Department cash management policies.

Creative use of Fund monies has produced impressive results. For example:

- Procuring financial analysis by a CPA for less than \$10,000 assisted in forfeiture of \$17 million in seized bank accounts.
- Expending less than \$10,000 on travel to complete paperwork to obtain seizure warrants allowed the seizure of over \$4.2 million.
- Retention of a CPA firm for \$22,500 to perform financial analysis of business records and bank accounts resulted in the identification, seizure and forfeiture of vehicles, vessels, money and real property worth \$8 million.

Use of \$1,876 for travel to interview witnesses and defendants resulted in the identification of \$6 million in potentially forfeitable real property.

The Bureau of Alcohol, Tobacco and Firearms used approximately \$16,000 in Fund monies to pay awards and to purchase evidence in connection with an ongoing investigation of a Chicago street gang involved in narcotics trafficking. To date, criminal charges have been brought against approximately 120 defendants for violation of Federal firearms and narcotics laws. Over \$4 million in property has been identified as potentially forfeitable.

The Drug Enforcement Administration used Fund monies to enlist a cooperating individual whose efforts contributed to the most significant dangerous drug investigation in DEA's history. The information provided resulted in the seizure of 31 methamphetamine laboratories and over \$1 million in forfeitable assets. A total of 115 persons were indicted, 113 were arrested, and 100 pled guilty.

For relatively small award payments by the DEA and the Customs Service, DEA received assistance that led to the arrest of a major marijuana smuggling organization that had operated for 15 years. The major figures in the case pled guilty and over \$8 million in properties were forfeited.

In 1990, the Fund provided additional award monies to DEA so that DEA appropriated funds could be used to set up an undercover bank account as part of Operation Green Ice. In 1991, the operation has resulted in the seizure of almost \$7 million in cash, real estate valued at \$2.5 million, and aircraft and jewelry valued at almost \$200,000. In addition, over 324 kilograms of cocaine were seized and 33 arrests were made.

Using Fund monies, DEA was able to equip 10 helicopters transferred from the Department of Defense. The availability of this funding allowed DEA to expand its aircraft fleet without needing to purchase the aircraft. DEA also equipped 20 surveillance vans that will be used as mobile or stationary intelligence and surveillance platforms.

The investment of Fund monies in targeted training programs has also been effective. For example, in December 1990, an on-site review of white collar crime cases was conducted in the Dallas FBI office. The review established that the office had not identified or seized any property for forfeiture in white collar crime cases. Following the review, the FBI conducted a training seminar for agents and support personnel. In the three months from January to March, the office identified property valued at approximately \$127 million in these cases, and completed forfeiture of approximately \$730,000 in a FIRREA investigation. Similar results have been reported in Newark, Los Angeles, Miami, and Louisville.

Assets Forfeiture Fund

Summary of Resources by Object Class
(Dollars in thousands)

| Object Class | 1991 Actual Amount | 1992 Est. Amount | 1993 Est. Amount | Inc./Dec. Amount |
|---|-----------------------|---------------------|---------------------|---------------------|
| 11.3 Other than full-time permanent..... | 81 | ... | ... | ... |
| 11.5 Other personnel compensation..... | ... | ... | ... | ... |
| 11.6 Special personnel services payments..... | 862 | \$716 | \$752 | \$16 |
| 11.8 Total, personnel compensation..... | 863 | 736 | 752 | 16 |
| 12.1 Personnel benefits..... | 2 | 1 | 1 | ... |
| 21 Travel and transportation of persons..... | 6,852 | 10,143 | 10,736 | 593 |
| 22 Transportation of things..... | 422 | 414 | 464 | 50 |
| 23.1 Rental payments to GSA..... | 704 | 621 | 696 | 75 |
| 23.2 Rental payments to others..... | 1,067 | 1,863 | 2,087 | 224 |
| 23.3 Communications, utilities and misc. charges..... | 757 | 1,035 | 1,159 | 124 |
| 24 Printing and reproduction..... | 48 | 41 | 46 | 5 |
| 25 Other services..... | 396,884 | 391,079 | 404,475 | 13,396 |
| 26 Supplies and material..... | 289 | 411 | 461 | 50 |
| 31 Equipment..... | 12,662 | 14,490 | 17,938 | 3,448 |
| 41 Grants and fixed charges..... | ... | ... | ... | ... |
| 42 Insurance claims and indemnities..... | 1 | ... | ... | ... |
| 43 Interest and dividends..... | ... | ... | ... | ... |
| Total obligations..... | 560 | 166 | 182 | 12 |
| | 421,111 | 421,000 | 439,000 | 18,000 |
| Relationship of obligations to outlays: | | | | |
| Obligated balance, start-of-year..... | 115,390 | 170,500 | 169,437 | |
| Unrealized discounts, start-of-year..... | -349 | -5,899 | -875 | |
| Obligated balance, end-of-year..... | -170,500 | -169,437 | -165,681 | |
| Unrealized discounts, end-of-year..... | 5,192 | 875 | 858 | |
| Outlays..... | 371,351 | 417,019 | 442,739 | |

Mr. SMITH of Iowa. The Committee welcomes Principal Associate Deputy Attorney General Jeffery R. Howard who will testify on behalf of the Department of Justice. Mr. Howard, we will place your biography and written testimony into the record and ask that you proceed with your statement.

Mr. HOWARD. Good morning, Mr. Chairman.

Mr. SMITH of Iowa. Good morning.

GENERAL STATEMENT

Mr. HOWARD. My name is Jeffrey Howard; I am delighted to be here to make this presentation to you. With me today is Cary Copeland, who is the Director of the Department of Justice, Executive Office for Asset Forfeiture.

Preliminarily, I would like to state that I am the United States Attorney for the District of New Hampshire, and I am currently on detail to the Deputy Attorney General's Office here in Washington.

With the Chairman's permission, I do have a longer statement that I would like to submit. But, if I may briefly summarize our position on this, I would state that the Attorney General has a very strong personal interest in the asset forfeiture program and, as the Chairman I am sure knows, there are three primary goals of this program: the first being to punish and deter criminal conduct by stripping drug traffickers and others of the instrumentalities and proceeds of their crimes; secondly, to promote cooperation among Federal, State and local law enforcement through the equitable sharing portion of the program; and third, more or less as a by-product, to produce revenue to put back into the criminal investigations, and prosecution efforts of the Federal agencies.

A CONTINUING SUCCESS STORY

I am proud to state that, in 1991, we had a record in terms of deposits into the Assets Forfeiture Fund, an amount approaching \$644 million. To date, that brings the total from 1985 up to \$2.1 billion in deposits. Of that \$2.1 billion, we have shared with State and local agencies \$744 million in cash, and \$90 million worth of tangible assets that have been put back into use by law enforcement.

The amount that has been distributed over those years to participating Federal investigative agencies totals \$357 million, and the amount that has gone into the Bureau of Prisons totals \$491 million, \$376 million from the fund, and then another \$115 million that went to the Special Forfeiture Fund of the Office of National Drug Control Policy, from fund surpluses, and then was distributed to the Bureau of Prisons. I would also note that the Assets Forfeiture Fund, as the sole funding source for the Drug Czar's Special Forfeiture Fund has contributed \$281 million to the Special Forfeiture Fund.

1993 BUDGET REQUEST

For 1993, we are estimating that total deposits will be approximately \$525 million; we believe that is a conservative estimate, and that our expenses will be approximately \$439 million. Of that \$439 million, \$257 million is expected to go to equitable sharing payments to State and local law enforcement agencies; \$46 million to

management and disposal costs of the assets; another \$36 million to pay liens from innocent lienholders and the like, leaving us with over \$53 million to contribute to the Special Forfeiture Fund, and an amount approaching \$50 million as a Capital Surplus for other law enforcement needs.

That brings us to our budget request of \$100 million, which the Chairman may note is the same as our request for last year. Breaking that down, \$46 million, the lion's share, is for contract services; that is, hiring a number of contract employees who are important in identifying assets and processing the paperwork.

A total of \$24 million will go into automation and, in particular, our Consolidated Asset Tracking System, which is expected to come on line in 1993; \$6 million for training; \$9 million for awards for information; \$6.3 million for evidence; and a remaining \$5 million for equipping conveyances. That is the nuts and bolts of the budget.

CLOSING REMARKS

I would like to close by thanking the Committee for its support of the Department. I have learned a lot in the last several months about how much this Committee has supported the Assets Forfeiture Program, including passage of several new provisions in 1992, and I would like to say, as an individual out in the field, cooperation could not be at a higher level, and I think that is absolutely the way to go.

We look forward to working with the Committee this year and I am happy to answer any questions that you may have.

[The biography and prepared statement of Mr. Howard follow:]

JEFFREY R. HOWARD

BIOGRAPHY

Jeffrey R. Howard is currently serving as Principal Associate Deputy Attorney General in the Department of Justice, a position he has held since November, 1991.

Mr. Howard has also served as United States Attorney for the District of New Hampshire since his appointment to that position by President Bush in October, 1989. He has been a member of the Attorney General's Advisory Committee since 1990.

Prior to his tenure as United States Attorney, Mr. Howard served in the Office of the Attorney General of the State of New Hampshire for eight years, from 1981 to 1989. He was assigned to the Consumer Protection and Antitrust Division for four years, and was the Chief of that Division from 1984 to 1985. Mr. Howard was Chief of the Division of Legal Counsel from 1985 to 1988, and from 1988 to 1989 he served as Deputy Attorney General.

In 1981, Mr. Howard received his J. D. from Georgetown University Law Center, where he was an editor of the American Criminal Law Review. He graduated, summa cum laude, from Plymouth State College of the University of New Hampshire in 1978.

Mr. Howard resides with his wife Marie in Salisbury, New Hampshire.

**DEPARTMENT OF JUSTICE
ASSETS FORFEITURE FUND**

**STATEMENT OF THE PRINCIPAL ASSOCIATE DEPUTY ATTORNEY GENERAL
OFFICE OF THE DEPUTY ATTORNEY GENERAL
JEFFREY R. HOWARD**

**BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES**

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before the Subcommittee today to discuss the 1993 budget request for the Department of Justice Assets Forfeiture Fund.

THE ASSET FORFEITURE PROGRAM

The Attorney General is a strong proponent of the asset forfeiture program, and has taken a strong personal interest in making the Department's asset forfeiture program a model that combines important national law enforcement objectives with sound management practices. The Department of Justice asset forfeiture program has three primary goals. The first goal is to punish and deter criminal activity by stripping drug traffickers and other major criminals of fruits and instruments of their illegal endeavors. The second is to promote cooperation among law enforcement agencies at all levels of government through the equitable sharing of forfeited assets.

As we accomplish these first two goals, we will begin to achieve the third -- to produce revenues that support the maintenance and expansion of the asset forfeiture program, and to

enhance other critical law enforcement programs. In particular, payments to State and local agencies through the equitable sharing program and allocations to both Justice and non-Justice agencies, allow us to assist these agencies in meeting the increased demands on their personnel and resources occasioned by doing the investigative work necessary to identify and seize assets and to secure their forfeiture. Asset forfeiture requires substantial law enforcement effort beyond that necessary simply to prosecute and incarcerate criminals.

A CONTINUING SUCCESS STORY

The Department's asset forfeiture program continues to be a success story. At the beginning of fiscal year 1985, the Department had approximately 2,500 properties, valued at about \$223 million, under seizure. This included over 200 real properties, 5 businesses, and over 600 cash cases. As of December 31, 1991, the Department had over 30,100 properties under seizure. They are valued at over \$1.4 billion, and include over 4,600 real properties, over 80 businesses, and over 7,400 cash cases. The number of equitable sharing requests received from State and local law enforcement agencies jumped from approximately 700 in 1985 to over 23,500 in 1991. In 1985, the Department deposited \$27.2 million in its Assets Forfeiture Fund. In 1991, net deposits to the Fund increased to over \$643 million, an all-time record. The U.S. Postal Inspection Service investigation of Michael Milken and his prosecution by the U.S.

Attorney's Office in the Southern District of New York resulted in a single forfeiture of \$198.5 million as part of his sentence, of which \$176.3 million was deposited into the Fund in 1991, and \$22.2 million was deposited into the Postal Fund.

Equitable sharing cash payments to State and local law enforcement agencies increased from \$17.1 million in 1986 to nearly \$269 million last year, up from \$179.7 million in 1990. We also shared over \$21 million in forfeited tangible property -- primarily automobiles -- with State and local agencies last year, bringing total sharing transfers in 1991 to nearly \$290 million in cash and property.

From October 1984 through September 1991, our efforts produced over \$2.1 billion in deposits to the Fund. We shared a total of over \$744 million in cash of these deposits, and an additional \$90 million of tangible property never deposited in the Fund, with State, local, and foreign governments that participated in our efforts. In addition, funds above those necessary to cover the expenses of the forfeiture program have been transferred to other Federal agencies to aid law enforcement efforts.

In 1988 and 1989, the Federal Prison System received direct transfers of surplus funds from the Fund totalling over \$376 million. In 1989, an additional \$30 million was provided by

Congress to the U.S. Attorneys through an appropriation transfer from the Fund. In 1992, \$78.8 million will be transferred from the 1991 Fund surplus to Federal law enforcement agencies for the purchase of capital equipment. Initial distributions from this surplus include \$23.4 million to the Federal Prison System, \$13.3 million to U.S. Attorneys, \$6.2 million to the Drug Enforcement Administration, \$2 million to the Border Patrol of the U.S. Immigration and Naturalization Service, and \$1 million to the U.S. Marshals Service. Distribution of the remainder of the surplus will be made later in the year.

Over \$281 million in Fund surpluses have been transferred to the Office of National Drug Control Policy's Special Forfeiture Fund since 1990. Assets Forfeiture Fund surpluses serve as the only source of revenue to the Special Forfeiture Fund. Many of these moneys subsequently have been transferred to law enforcement agencies, including: \$115 million to the Federal Prison System in 1990; \$40 million to various agencies for Administratively Uncontrollable Overtime costs and \$5 million to DEA for the El Paso Intelligence Center in 1991; and \$7.5 million to the Border Patrol and \$6 million to the Internal Revenue Service for additional agents in 1992. An additional \$31 million of 1991 and 1992 transfers from the Special Forfeiture Fund are for programs of the Office of National Drug Control policy, the National Commission on Measured Responses to Achieve a Drug-Free America by 1995, and the Alcohol, Drug Abuse, and Mental Health

Administration. Another \$71 million was returned to the Treasury, and over \$357 million went back to participating Federal agencies to enhance forfeiture operations and to fund certain investigative expenses. Fund expenses for asset management and disposal, forfeiture case prosecution and payment of innocent third party claims totalled only \$241.3 million during the seven-year period. At the end of January 1991, the amount of seized cash in our Seized Asset Deposit Fund, the fund that holds cash pending forfeiture, exceeded \$309 million. In the last two years, the Department of Justice asset forfeiture program has also produced over \$12.6 million for the Customs Forfeiture Fund through successful litigation of judicial forfeiture cases.

THE ASSETS FORFEITURE FUND

The success of the asset forfeiture program rests largely on the sound legislative work that established the Assets Forfeiture Fund and the thousands of dedicated personnel who execute this program as an integral part of their law enforcement activities. Prior to the creation of the fund, costs associated with the seizure, detention, maintenance, and disposition of assets were paid from the operating funds of the various seizing agencies and the U.S. Marshals Service. This dispersion served as a financial disincentive to an aggressive asset forfeiture program. Today, the Fund provides a stable source of resources to cover these costs, freeing the investigative agencies from concerns regarding

the diversion of operational funds from other law enforcement programs. This, in turn, has stimulated our extraordinary growth in seizures and forfeitures.

LEGISLATIVE CHANGES

A number of positive legislative changes were enacted in the 1992 Department of Justice appropriations act, including: (1) provision for the deposit of the Federal share of State, local and foreign forfeitures in the Fund; (2) expansion of authority to pay awards from the Fund for information or assistance leading to a forfeiture to reach any case involving a Federal agency participating in the Fund; (3) expansion of authority for the Fund to pay for the equipping of conveyances to include any participating agency; (4) provision for transfers to the Special Forfeiture Fund only until current year availability in that Fund reaches \$150 million; and (5) permanent provision for the Attorney General to use any excess monies in the Fund at the end of the fiscal year (to be known as the annual "capital surplus") to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of both Justice and non-Justice agencies.

1993 INCOME AND EXPENSES

For 1993, we are projecting income to the Fund of \$525 million. This is \$25 million above the level projected for 1992 and reflects modest growth in future income due to the many

factors involved from seizure to disposition, and reflects recent legislative changes to the Fund. Also, we do not have full command of the caseload data concerning that would permit more precise projections. We have chosen to reflect a fairly constant income picture because of certain factors that continue to stabilize our historical growth trend. For example, Public Law 101-382 abolished the \$100,000 limit on the amount of cash that can be forfeited under administrative procedures. For non-Justice agencies, such as the Internal Revenue Service, proceeds from administrative forfeitures are not deposited into the Fund. Since these non-Justice agencies seize tens of millions of dollars in cash annually, it is likely that these very large cash cases will be forfeited administratively and the forfeited cash will not be deposited in the Fund. This appears to have already had a significant negative effect on the total deposits to the Assets Forfeiture Fund in that during 1991, the amount of monetary instruments under seizure declined by over \$103 million.

On the other hand, increased emphasis on money laundering and international forfeitures will be generating substantial additional receipts annually. Hundreds of millions of dollars in illegal proceeds have been secreted overseas. As we make progress in piercing the international banking veil, more of these funds will be subject to repatriation and forfeiture. While the repatriation of assets is not currently a significant source of Fund receipts, the Department has made significant

progress this year in convincing foreign governments that cooperation with U.S. forfeiture efforts is in their best interests.

Significant forfeiture talent will be engaged in the search for, and forfeiture of, assets pirated from savings and loan institutions. In this area, the recovered assets will only be deposited to the Fund to the extent necessary to cover costs. Any surplus will be returned to the institution, if solvent, or to the insurance trust fund. Thus the Fund will receive no benefit from these cases. In short, millions of dollars in forfeitures that, under other circumstances would be reported as receipts for the Fund, will be directed to other repositories. A similar situation exists with respect to forfeitures under various white collar crime statutes. In these cases, seized assets are usually directed to victims in the form of restitution. Rarely does the value of assets seized exceed the amount of restitution due identifiable victims. This is the case with the Bank of Credit and Commerce International S.A. (BCCI) matter wherein most forfeited funds will be restored to innocent third parties.

1993 REQUEST

For 1993, the Department is seeking an appropriation of \$100 million for program management and investigative expenses. This is the same amount requested in the President's budget for 1992

and approved by Congress. We anticipate that our asset specific expenses will increase by only \$18 million, of which \$10 million will be equitable sharing payments. This results in total 1993 costs of \$439 million.

EQUITABLE SHARING PAYMENTS

The largest single expense in 1993 will be approximately \$257 million in equitable sharing payments to State and local law enforcement agencies and foreign governments. These payments will be used to purchase investigative equipment and vehicles, and to cover investigative expenses that otherwise would not be funded in police budgets. The percentage of net income being paid out as equitable sharing payments escalated last year. While sharing payments averaged about 46 percent of net income from 1988 to 1990, sharing payments increased to almost 67 percent of net income in 1991, exclusive of income from the Michael Milken case. In part, this reflects our success in eliminating backlogs in sharing requests from old cases in which the receipts had been deposited in a prior fiscal year.

SPECIAL CONTRACT SERVICES

The Department continues to make aggressive use of specialized contract services to support the forfeiture program. Our authority to procure contract services for data entry, data analysis, word processing, and related functions is another important factor in the success of our program. By the end of

1992, the Department plans to have 830 contract personnel nationwide performing data entry, data analysis, word processing, file control, file review, quality control, case file preparation and other process support functions. Without this contract support, it would be impossible to maintain automated data bases, process the thousands of equitable sharing requests, or maintain the tens of thousands of forfeiture case files. For all practical purposes, the forfeiture program would grind to a halt. At 1993 contract rates, these 830 contract personnel will cost \$42 million. The cost increase over 1992 of \$4.3 million is required for limited growth, to fund space costs, training, security investigations, equipment, and other costs associated with the contract personnel.

AUTOMATED DATA PROCESSING

From an automation viewpoint, 1993 will be a major milestone for the asset forfeiture program. The nation-wide Consolidated Asset Tracking System (CATS) is scheduled for implementation. CATS will provide telecommunications and processing capabilities that will tie together all agencies involved in the Department of Justice asset forfeiture program. Existing agency data bases will be converted to CATS, operating procedures will be updated, system users will be retrained, parallel testing will be conducted, and cut-overs will occur throughout 1993. CATS will tie over 600 locations together into a national telecommunications network using state-of-the-art technology to

streamline the asset tracking process through system integration.

PARTICIPATING AGENCIES

The Fund has served as a catalyst to involve more Federal, State and local investigative agencies in the forfeiture program. In 1991, the U.S. Park Police joined the Department of Justice Asset Forfeiture Program, and in 1992, the U.S. Secret Service joined the program. The decision of these agencies to join the Postal Inspection Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms as non-Justice participants in our program underscores the efforts of the Department of Justice to cooperate with all agencies, and treat them fairly. The benefits to be achieved through inter-departmental cooperation and standardization of policies and procedures are enormous, not only from a program management perspective, but also from the perspective of preserving the due process rights of citizens.

CLOSING REMARKS

Thank you for your interest in our program. I will be happy to answer any questions that you and the other Committee members may have.

COOPERATIVE EFFORTS IN NEW HAMPSHIRE

Mr. SMITH of Iowa. You came from New Hampshire?

Mr. HOWARD. Yes, sir.

Mr. SMITH of Iowa. What is the history of this operation up there? How long have you been involved with assets forfeiture?

Mr. HOWARD. I have been the United States Attorney in New Hampshire for two years. Prior to that, I drafted the State forfeiture statute in my capacity, in the State Attorney General's Office.

Mr. SMITH of Iowa. In your other capacity, did you get involved in assets forfeiture?

Mr. HOWARD. Yes, sir.

Mr. SMITH of Iowa. Well, maybe you can give us a little perspective from both angles then—State and Federal.

Mr. HOWARD. When I was with the State, of course, the program didn't really come into great prominence until the mid-1980s, and being a new program, frankly, we were a little skeptical. We had never worked terribly well with our Federal counterparts, and weren't ready to trust them.

But, we did engage in a number of operations with the DEA, the FBI, and the United States Attorney's Office, and the amounts that were shared back—New Hampshire is not a large State in that respect—in my opinion, both contributed greatly to our effectiveness as a State agency, and our ability to attack the drug problem.

More importantly, it got law enforcement on all levels working together, and it really has helped create a great deal of trust. That is my experience in New Hampshire.

Mr. SMITH of Iowa. They didn't work together just so they could get more money?

Mr. HOWARD. Absolutely not. They had been working together before, and, in fact, there was a question in our minds about whether this was just some kind of a hook to get us to do the work of the Federal Government.

But, the way it has tended to work out is that the Federal agencies have shown the State agencies how to go about getting forfeitures, how to do much more sophisticated investigations, and in New Hampshire now, far more money is deposited into the State Forfeiture Fund than the Federal Forfeiture Fund. So it was almost a feeder system.

SPEED TRAP MENTALITY

Mr. SMITH of Iowa. This Committee, as you know, has been for utilizing forfeitures.

But there is kind of a fine line there, you know. Because you have forfeitures, there is an incentive to do something you wouldn't do otherwise. You don't think we have crossed that line?

Mr. HOWARD. I don't believe we have come anywhere near close to that line. I understand that those concerns have been raised. We have raised them internally. You know, Mr. Chairman, we have had a very strong policy against funding salaries, for example, out of the Forfeiture Fund to avoid that kind of speed trap mentality. We also have strongly recommended that State and local agencies receiving a share adopt those same policies.

At the same time, in fact, Mr. Copeland just recently issued a set of quality standards that the Federal agencies are already complying with, but we would like to see State and local agencies comply with to make sure that we don't come close to that line.

Mr. SMITH of Iowa. Well, do you think some local agencies are making decisions as to whether or not to cooperate in a certain area or not?

Mr. HOWARD. It would be naive of me to say that never happens, but I firmly believe that it is very, very rare.

ASSET MANAGEMENT

Mr. SMITH of Iowa. What about the problems in managing these forfeited assets, has much progress been made in that area?

Mr. HOWARD. You may know that the Asset Forfeiture program has been designated a high-risk area by OMB, and the Department of Justice, and that is because of the great volume of assets, and the great volume of money involved.

In 1990, we determined that, to establish a Consolidated Asset Tracking System would go a long way toward giving us much more accountability, accuracy, the ability to access statistics when they are needed, and to improve the audit function.

We anticipated that we would be able to bring all participating agencies on line by 1993, and we are right on target at the moment. We were able to develop working models in 1991, and I just don't really see a lot of problems in that area. We have had some increased expenses because the telecommunications equipment is quite expensive.

Mr. SMITH of Iowa. It still takes a long time from the time you seize something before it is sold?

Mr. HOWARD. That has been an on-going problem. I understand we have reduced the time lag considerably. In fact, in 1991, we were able to eliminate a lot of the backlog that was in the pipeline. There is a blip in the equitable sharing for that year for that very reason. Equitable sharing expenses went up, because we did eliminate a lot that was in the pipeline.

That is something that we continue to work on. Once in a while we receive complaints, but I think, by and large, we have made great progress there.

TREATMENT OF OTHER FEDERAL AGENCIES

Mr. SMITH of Iowa. What about problems with sharing between Federal agencies?

Mr. HOWARD. In our opinion, the agencies at the field level and, frankly, at headquarters level, do not have a lot of complaints. There is a perception out there that perhaps we don't treat the Treasury agencies as fairly as we treat our own component agencies.

The truth of the matter is, for example, the Bureau of Alcohol, Tobacco and Firearms, and the Secret Service have fledgling forfeiture programs, and we give them back more than they contribute. The IRS, which is a significant contributor to the program, having deposited about \$65 million into the Assets Forfeiture Fund

over the last six years, has received about 33 percent of those contributions back in allocations.

The DEA, which has contributed close to \$900 million in that same time period, has received back about 31-percent in allocations. So, frankly, I don't believe the Treasury agencies are treated any worse than the Justice agencies.

Mr. SMITH of Iowa. IRS is terribly important though in this, isn't it?

Mr. HOWARD. They certainly are, particularly in money laundering, and once again, from the field perspective, we don't like to do certain drug cases without the IRS. They are absolutely key to it.

Mr. SMITH of Iowa. But since you have begun to reimburse them, they have been cooperative in detailing agents to help?

Mr. HOWARD. I have neither heard nor seen anything to the contrary, sir. You know, there is still a problem that exists with the Treasury agencies, and that is that administrative forfeitures from Treasury agencies are not deposited into the DOJ fund, and a great percentage of IRS forfeitures are cash forfeitures that are processed administratively. If they were deposited into the Assets Forfeiture Fund, there would be that much more money to give back to them including reimbursement of costs of administrative forfeiture. Instead, it goes to miscellaneous receipts.

Mr. SMITH of Iowa. Is that a significant portion?

Mr. HOWARD. Yes. We don't have the statistics, but I expect that it is the majority of what they seize and forfeit.

Mr. COPELAND. It is probably in the tens of millions of dollars a year.

CLOSING REMARKS

Mr. SMITH of Iowa. I see. Well, I think your opening statement and the one you put in the record answer a good share of the questions that we will have.

Mr. HOWARD. Well, we are certainly available, as you know, to answer any follow-up questions.

Mr. SMITH of Iowa. If we have further questions, we will let you know. Thank you.

Mr. HOWARD. Thank you, Mr. Chairman.

Mr. COPELAND. Thank you, Mr. Chairman.

Mr. SMITH of Iowa. We will adjourn until 2:00 o'clock this afternoon.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Assets Forfeiture Fund
Treatment of Treasury Department

QUESTION: Please provide an agency breakout of your \$100 million appropriation request.

ANSWER: The Department has not made a determination as to how it will allocate the \$100 million by agency. It is clear that the total requests we will receive for 1993 allocations will exceed the \$100 million that would be available under this request. The requests we received for 1992 allocations exceeded \$218 million. In the past, the largest share of appropriated authority has gone to the Drug Enforcement Administration and the Federal Bureau of Investigation. It is likely that this will continue.

At the end of this fiscal year, we will need to review the status of 1992 appropriations and the relative priority of the requests received from the participating agencies. The allocations will also be affected by the level of end-of-year surplus funds available for distribution. Our objective will be to allocate available resources in a manner that achieves the greatest possible benefits for the forfeiture program and law enforcement. This is the same process we followed for 1991 and 1992.

Equitable Sharing Payments

QUESTION: Can you provide, by fiscal year, the amount of equitable sharing payments to State and local organizations since inception of the Fund?

ANSWER: The information is provided in the following charts.

QUESTION: In general, what do these organizations do with these funds?

ANSWER: The Attorney General is authorized to transfer forfeited property to any State or local law enforcement agency that participated directly in the seizure or forfeiture of the property. The Department has generally relied on the recipient agency's assurances about how a share item is used, though several Departmental publications, including the Attorney General's Guidelines on Seized and Forfeited Property (July 1990), stipulate that "all equitably shared cash and tangible property and any income from this property must be used for law enforcement purposes and must supplement and not supplant existing resources." The Department does not now routinely audit use of equitable sharing payments.

However, in August 1990, the Department conducted a study to determine the current state of the Equitable Sharing Program. This survey was intended to monitor the effectiveness of the program in meeting its primary goals of enhancing law enforcement cooperation and increasing resources for State and local law enforcement agencies. A response rate of 83.9

percent was accomplished for the survey with a total of 752 questionnaires distributed.

Based on responses to the questionnaire, it is clear that recipient agencies are complying with the spirit of the program by applying the share received to a law enforcement purpose. Over 69 percent of recipients applied the shared asset to the purchase of equipment, with about 26 percent using the share to increase fleet size. The survey indicated that the shares received are, in fact, having a strong impact on the ability of recipients to fight crime in their communities. Overall, nearly 94 percent of all respondents reported that the shares received had a "moderate" to "great" impact on fighting crime.

However, it was unclear from the data collected whether or not the Program was meeting its intended purpose of increasing resources for State and local law enforcement agencies. The Department continues to work to remind governing bodies that Congressional intent and Department policy are to provide shares directly to agencies that participated in the seizure or forfeiture.

QUESTION: Can you give some specific examples of how these equitable sharing funds have improved drug fighting capabilities at the local level?

ANSWER: Responses to the 1990 Equitable Sharing Program Survey provided strong reason to believe that the shares granted are assisting State and local agencies in the fight against drugs. The following table of uses provides categories to which shares are applied:

Law Enforcement Uses to Which Shares Are Applied

| Category | Number of Responses | | | Percent of Total Responses | Percent of Total Respondents |
|---------------------|---------------------|----------|-------|----------------------------------|------------------------------------|
| | Cash | Property | Total | | |
| Purchase Equipment | 370 | 57 | 427 | 19.2% | 69.5% |
| Purchase Supplies | 144 | 25 | 169 | 7.6 | 27.5 |
| Increase Fleet | 90 | 75 | 165 | 7.4 | 26.9 |
| Pay Informants | 129 | 20 | 149 | 6.7 | 24.5 |
| Office Automation | 130 | 18 | 148 | 6.6 | 24.1 |
| Purchase Evidence | 115 | 21 | 136 | 6.1 | 22.4 |
| Drug Education | 123 | 12 | 135 | 6.0 | 22.0 |
| Begin New Initiat. | 115 | 19 | 134 | 6.0 | 21.8 |
| Trng. Drug Agents | 107 | 17 | 124 | 5.6 | 20.4 |
| Undercover Costs | 95 | 27 | 122 | 5.5 | 20.1 |
| Travel Expenses | 88 | 12 | 100 | 4.5 | 16.4 |
| Pay Salaries | 85 | 13 | 98 | 4.4 | 16.1 |
| Used Transf. Prop. | 0 | 88 | 88 | 4.0 | 14.3 |
| Pay Overtime | 73 | 9 | 82 | 3.7 | 13.5 |
| Purch. Conveyances | 46 | 7 | 53 | 2.4 | 8.7 |
| Pass-Thru to Others | 31 | 4 | 35 | 1.6 | 5.8 |
| Pay Prison Space | 15 | 1 | 16 | .7 | 2.6 |
| Other | 32 | 6 | 38 | 1.7 | 6.3 |
| Total | 1,788 | 431 | 2,219 | 100.0% | |

QUESTION: The Department's Inspector General reviewed the adoptive seizure program and reported that it appeared to be operating effectively. How much does the Department retain as its share of these seizures?

- A. Does this amount offset all of the Department's costs associated with these seizures?
- B. Since there is some obvious benefit to the local police to have Justice "adopt" these forfeitures, why don't you charge them an additional fee?

ANSWER: In cases involving adoptive seizures that are forfeited administratively or in uncontested judicial proceedings, fifteen percent of the total net proceeds realized through the disposition of the forfeited property is retained by the Assets Forfeiture Fund (AFF). In cases involving adoptive seizures that are forfeited in contested judicial proceedings, 20 percent of the total net proceeds realized through the disposition of the forfeited property is retained by the AFF.

These retention percentages are not "fees," but rather are a "presumptive Federal share" of the proceeds intended to represent the Federal Government's effort toward either an administrative or judicial forfeiture. In many cases, such shares do not fully represent the Federal Government's relative effort in the case. Adoptive seizures are represented by high-volume, low-value assets, *i.e.*, automobiles, the proceeds from which are limited. Often, the local government will request the entire asset, such as a seized automobile, and the asset is transferred to the local government leaving no proceeds for the Federal Government. The presumptive share was changed, in 1990, when it became apparent that the Federal agencies were not receiving full credit for their efforts to complete the investigation, to investigate and adjudicate third party and innocent owner petitions, to prosecute the offender, and to litigate the forfeiture.

The presumptive share was established in these cases to relieve the State and local agencies of the burden of collecting and reporting on their level of effort in each of these cases, and, frankly, as an inducement to cooperation. These percentages are not intended to be "fees" to cover costs of such processing. No policy decision is pending that would assess any charges on State and local governments relative to adoptive seizures.

The Department's Inspector General (IG) is currently conducting a comprehensive audit of the equitable sharing program and we have specifically requested a review of the percentage of net proceeds retained as the Federal share in order to get the IG's recommendation as to whether the current percentages are appropriate, too high, or too low. In sum, we have asked the IG to conduct a neutral and detached review of this issue.

ASSETS FORFEITURE FUND EQUITABLE SHARING DISBURSEMENTS

(by District)
as of February 29, 1992

| as of February 29, 1992 | | | | | | | | | | | | |
|-------------------------|-------------------|------------------------|-----------|------------|------------|-------------|------------|-------------|------------|---------------|----------------|------------------------|
| | JUDICIAL DISTRICT | CITY | FY 1986 | FY 1987 | FY 1988 | FY 1989 | FY 1990 | FY 1991 | FY 1992 | TOTAL TO DATE | % TOTAL SHARED | % OF NET DISBURSEMENTS |
| 1 | ALABAMA | NORTHERN JONINGHAM | \$100,000 | \$38,000 | \$306,948 | \$1,017,121 | \$993,533 | \$4,144,166 | \$235,960 | \$4,144,360 | 0.51% | 0.51% |
| 2 | ALABAMA | MIDDLE MONTGOMERY | 0 | 0 | 0 | 0 | 0 | 0 | 47,716 | 1,117,171 | 0.16% | 0.16% |
| 3 | ALABAMA | SOUTHERN MOBILE | 41,271 | 146,719 | 248,031 | 445,297 | 1,982,498 | 1,091,462 | 720,546 | 5,062,276 | 0.63% | 0.63% |
| 4 | ALASKA | ANCHORAGE | 0 | 123,947 | 248,391 | 532,831 | 739,684 | 561,301 | 45,112 | 2,139,361 | 0.29% | 0.29% |
| 5 | ARIZONA | PHOENIX | 0 | 166,076 | 645,179 | 662,103 | 1,005,103 | 5,429,434 | 1,744,544 | 9,157,511 | 1.1% | 1.1% |
| 6 | ARKANSAS | LITTLE ROCK | 9,752 | 246,532 | 443,999 | 177,159 | 784,194 | 1,029,623 | 96,235 | 2,871,719 | 0.3% | 0.3% |
| 7 | CALIFORNIA | EASTERN PORT SMITH | 0 | 69,501 | 14,453 | 30,489 | 174,072 | 326,233 | 102,033 | 723,290 | 0.09% | 0.09% |
| 8 | CALIFORNIA | NORTHERN SAN FRANCISCO | 11,76,912 | 5,915,944 | 2,171,404 | 4,944,833 | 7,614,072 | 4,020,444 | 3,333 | 30,481,795 | 3.76% | 3.76% |
| 9 | CALIFORNIA | CENTRAL LOS ANGELES | 3,601,029 | 11,866,908 | 25,024,844 | 35,194,027 | 37,660,323 | 35,221,464 | 11,287,341 | 190,514,771 | 18.59% | 60.71% |
| 10 | CALIFORNIA | EASTERN SACRAMENTO | 0 | 477,844 | 2,124,231 | 1,733,070 | 1,733,070 | 3,851,029 | 3,851,029 | 11,691,499 | 1.44% | 6.25% |
| 11 | CALIFORNIA | SOUTHERN SAN DIEGO | 671,116 | 81,612 | 2,178,668 | 4,054,662 | 5,775,006 | 13,495,342 | 2,596,194 | 29,980,517 | 3.0% | 12.93% |
| 12 | COLORADO | DENVER | 8,440 | 1,043,042 | 312,441 | 2,211,493 | 4,730,623 | 2,441,712 | 1,403,177 | 14,291,637 | 1.76% | 59.87% |
| 13 | CONNECTICUT | NEW HAVEN | 378,444 | 904,519 | 1,905,893 | 4,233,971 | 1,062,400 | 1,044,172 | 914,627 | 13,762,512 | 1.76% | 33.97% |
| 14 | DELAWARE | WILMINGTON | 0 | 203,424 | 330,276 | 342,715 | 319,394 | 1,073,660 | 203,307 | 2,462,085 | 0.30% | 54.66% |
| 15 | DIST OF COLUMBIA | WASH, D.C. | 0 | 40,231 | 66,487 | 240,660 | 564,162 | 34,336 | 123,334 | 1,075,467 | 0.13% | 26.78% |
| 16 | FLORIDA | SOUTHERN MIAMI | 123,495 | 953,576 | 2,220,243 | 1,448,213 | 3,078,444 | 22,133,012 | 735,053 | 30,715,841 | 3.79% | 17.54% |
| 17 | FLORIDA | NORTHERN JACKSONVILLE | 41,703 | 251,303 | 127,110 | 943,124 | 536,031 | 1,629,862 | 507,294 | 4,228,629 | 0.52% | 47.24% |
| 18 | FLORIDA | MIDDLE ATLANTA | 429,787 | 769,941 | 987,395 | 1,516,332 | 2,482,084 | 3,204,830 | 916,999 | 9,196,281 | 1.14% | 12.95% |
| 19 | GEORGIA | MIDDLE MACON | 10,445 | 233,900 | 129,735 | 314,910 | 332,038 | 1,306,864 | 310,079 | 5,317,814 | 0.54% | 40.81% |
| 20 | GEORGIA | SOUTHERN SAVANNAH | 214,004 | 149,124 | 633,146 | 987,870 | 1,257,119 | 1,527,437 | 447,064 | 5,236,441 | 0.65% | 59.86% |
| 21 | HAWAII | HONOLULU | 7,072 | 394,448 | 33,908 | 254,105 | 394,671 | 1,954,447 | 336,474 | 5,771,163 | 0.759% | 17.59% |
| 22 | IDAHO | BOISE | 0 | 17,217 | 63,661 | 64,993 | 338,329 | 285,122 | 74,162 | 745,064 | 0.09% | 54.96% |
| 23 | ILLINOIS | NORTHERN CHICAGO | 113,110 | 1,176,096 | 603,951 | 1,389,296 | 4,734,349 | 4,307,447 | 1,764,371 | 14,512,701 | 1.79% | 14.03% |
| 24 | ILLINOIS | SOUTHERN ST. LOUIS | 116,849 | 318,330 | 107,660 | 1,074,812 | 1,150,702 | 774,517 | 522,441 | 4,243,002 | 0.52% | 60.04% |
| 25 | ILLINOIS | CENTRAL SPRINGFIELD | 0 | 51,892 | 108,275 | 246,122 | 712,932 | 680,690 | 246,324 | 2,240,444 | 0.28% | 61.11% |
| 26 | INDIANA | NORTHERN SOUTH BEND | 20,000 | 71,927 | 162,810 | 470,316 | 763,951 | 1,149,298 | 892,677 | 5,519,960 | 0.44% | 59.85% |
| 27 | INDIANA | SOUTHERN INDIANAPOLIS | 0 | 2,000 | 14,045 | 421,619 | 635,513 | 485,503 | 411,665 | 2,499,546 | 0.31% | 43.93% |
| 28 | IOWA | NORTHERN CEDAR RAPIDS | 0 | 0 | 10,993 | 187,669 | 443,115 | 392,047 | 51,397 | 1,180,221 | 0.14% | 51.64% |
| 29 | IOWA | SOUTHERN DES MOINES | 10,345 | 31,236 | 148,966 | 53,276 | 241,894 | 607,245 | 187,904 | 1,284,081 | 0.16% | 48.82% |
| 30 | KANSAS | TOPEKA | 0 | 147,277 | 77,901 | 291,710 | 961,873 | 1,119,832 | 160,729 | 2,669,325 | 0.31% | 63.29% |
| 31 | KENTUCKY | EASTERN LEXINGTON | 62,080 | 180,991 | 150,966 | 373,999 | 443,279 | 1,444,860 | 560,940 | 3,601,117 | 0.4% | 31.74% |
| 32 | KENTUCKY | WESTERN LOUISVILLE | 0 | 293,478 | 179,629 | 241,062 | 589,136 | 920,270 | 223,349 | 2,412,234 | 0.30% | 52.96% |
| 33 | LOUISIANA | EASTERN NEW ORLEANS | 122,519 | 232,966 | 680,296 | 897,929 | 2,550,484 | 1,776,805 | 6,903,087 | 8.4% | 40.10% | |
| 34 | LOUISIANA | WESTERN BATON ROUGE | 139,212 | 118,048 | 640,140 | 954,426 | 544,971 | 801,064 | 2,647,551 | 3.3% | 66.19% | |
| 35 | LOUISIANA | MIDDLE NEW ORLEANS | 144,435 | 20,071 | 374,199 | 136,991 | 291,787 | 412,994 | 110,965 | 1,655,992 | 0.20% | 47.01% |
| 36 | MAINE | PORTLAND | 0 | 61,640 | 499,232 | 1,001,796 | 564,404 | 498,980 | 140,846 | 2,499,391 | 0.30% | 51.61% |

ASSETS FORFEITURE FUND EQUITABLE SHARING DISBURSEMENTS

(by District)

as of February 29, 1992

| JUDICIAL DISTRICT | CITY | FY 1986 | FY 1987 | FY 1988 | FY 1989 | FY 1990 | FY 1991 | FY 1992 | TOTAL TO DATE | % TOTAL | % OF NET DEBITS |
|-------------------|--------------|---------|-----------|-----------|-----------|-----------|------------|-----------|---------------|---------|-----------------|
| 37 MARYLAND | BALTIMORE | 29,332 | 16,176 | 517,608 | 1,519,400 | 4,631,270 | 2,321,271 | 885,507 | 10,192,215 | 1.7% | 42.9% |
| 38 MASSACHUSETTS | BOSTON | 0 | 43,305 | 1,900,294 | 2,249,502 | 2,911,527 | 2,018,511 | 139,582 | 8,604,721 | 1.1% | 31.4% |
| 39 MICHIGAN | EASTERN | 644,095 | 23,225 | 1,608,783 | 5,179,362 | 3,971,191 | 7,072,217 | 103,694 | 18,809,759 | 2.2% | 68.8% |
| 40 MICHIGAN | WESTERN | 0 | 34,533 | 51,311 | 327,737 | 307,448 | 1,687,317 | 34,605 | 2,817,590 | 0.3% | 50.0% |
| 41 MINNESOTA | MINNEAPOLIS | 34,085 | 34,907 | 1,392,710 | 899,494 | 1,794,066 | 1,322,563 | 419,124 | 5,911,668 | 0.7% | 47.8% |
| 42 MISSISSIPPI | NORTHERN | 0 | 0 | 0 | 40,979 | 574,037 | 988,561 | 203,754 | 1,318,878 | 0.1% | 33.1% |
| 43 MISSISSIPPI | SOUTHERN | 33,247 | 162,156 | 761,072 | 1,013,534 | 692,081 | 1,162,747 | 154,677 | 3,968,478 | 0.5% | 64.3% |
| 44 MISSOURI | EASTERN | 608,378 | 91,032 | 1,197,116 | 1,921,074 | 3,221,600 | 3,385,602 | 1,078,161 | 11,689,443 | 1.4% | 44.8% |
| 45 MISSOURI | WESTERN | 62,121 | 40,257 | 584,080 | 887,395 | 869,341 | 1,897,683 | 373,853 | 5,112,331 | 0.6% | 63.6% |
| 46 MONTANA | BILLINGS | 0 | 14,369 | 0 | 15,870 | 137,952 | 227,891 | 1,497 | 397,579 | 0.0% | 30.8% |
| 47 NEBRASKA | OMAHA | 31,094 | 87,016 | 67,129 | 136,279 | 323,561 | 362,148 | 111,474 | 1,358,691 | 0.1% | 75.1% |
| 48 NEVADA | LAS VEGAS | 5,310 | 151,397 | 1,109,628 | 664,716 | 328,708 | 219,575 | 1,196,684 | 3,963,219 | 0.4% | 20.1% |
| 49 NEW HAMPSHIRE | CONCORD | 24,677 | 14,747 | 13,548 | 110,596 | 325,527 | 602,448 | 141,737 | 1,032,779 | 0.1% | 44.1% |
| 50 NEW JERSEY | NEWARK | 24,881 | 172,097 | 381,410 | 1,321,082 | 715,215 | 2,081,656 | 32,363 | 4,738,683 | 0.5% | 34.1% |
| 51 NEW MEXICO | ALBUQUERQUE | 0 | 72,657 | 692,874 | 1,011,131 | 705,648 | 2,560,994 | 245,364 | 5,684,779 | 0.6% | 46.8% |
| 52 NEW YORK | NORTHERN | 0 | 37,253 | 458,526 | 901,403 | 1,652,608 | 2,208,913 | 238,165 | 5,512,667 | 0.6% | 66.3% |
| 53 NEW YORK | EASTERN | 78,977 | 2,841,443 | 846,775 | 3,028,846 | 3,309,796 | 12,653,195 | 1,273,439 | 63,136,150 | 8.0% | 39.5% |
| 54 NEW YORK | SOUTHERN | 262,635 | 4,032,375 | 1,993,913 | 5,346,279 | 3,154,830 | 6,667,800 | 1,729,676 | 23,183,692 | 2.8% | 47.7% |
| 55 NEW YORK | WESTERN | 179,953 | 104,308 | 339,234 | 1,397,913 | 2,845,549 | 2,277,973 | 477,838 | 7,953,784 | 0.9% | 66.6% |
| 56 NORTH CAROLINA | EASTERN | 82,541 | 305,000 | 642,771 | 1,423,543 | 3,212,622 | 1,040,086 | 1,207,456 | 9,935,019 | 1.2% | 59.1% |
| 57 NORTH CAROLINA | MIDDLE | 33,538 | 830,632 | 671,184 | 1,829,511 | 1,760,152 | 1,322,488 | 233,004 | 6,989,601 | 0.8% | 74.0% |
| 58 NORTH CAROLINA | WESTERN | 699,161 | 144,508 | 162,651 | 106,427 | 827,641 | 2,082,287 | 1,072,130 | 5,095,051 | 0.6% | 51.6% |
| 59 NORTH DAKOTA | FARGO | 0 | 8,350 | 0 | 0 | 113,239 | 56,190 | 55,702 | 235,391 | 0.0% | 61.3% |
| 60 OHIO | CLEVELAND | 0 | 74,794 | 134,933 | 664,716 | 1,123,476 | 1,657,669 | 998,138 | 4,653,451 | 0.5% | 47.9% |
| 61 OHIO | SOUTHERN | 67,152 | 67,152 | 908,979 | 1,293,009 | 1,931,067 | 1,724,044 | 710,156 | 9,143,378 | 1.1% | 61.9% |
| 62 OKLAHOMA | TULSA | 0 | 82,713 | 113,473 | 366,912 | 784,920 | 408,073 | 1,036,121 | 2,405,365 | 0.3% | 61.6% |
| 63 OKLAHOMA | MUSKOGEE | 0 | 66,000 | 0 | 8,146 | 297,500 | 91,628 | 84,428 | 549,829 | 0.0% | 60.8% |
| 64 OKLAHOMA | OK CITY | 0 | 294,298 | 1,021,845 | 546,204 | 867,966 | 2,405,702 | 513,633 | 5,136,033 | 0.6% | 66.9% |
| 65 OREGON | KIRTLAND | 209,219 | 426,980 | 875,820 | 1,859,311 | 4,102,500 | 2,702,848 | 471,943 | 10,641,620 | 1.3% | 65.6% |
| 66 PENNSYLVANIA | PHILADELPHIA | 13,616 | 266,119 | 887,444 | 949,094 | 2,029,946 | 1,672,896 | 711,089 | 6,528,207 | 0.8% | 22.8% |
| 67 PENNSYLVANIA | MIDDLE | 0 | 1,175,448 | 181,983 | 235,083 | 231,344 | 362,169 | 20,452 | 2,218,590 | 0.2% | 17.0% |
| 68 PENNSYLVANIA | WESTERN | 0 | 7,148 | 50,818 | 729,712 | 869,696 | 459,665 | 263,122 | 2,360,131 | 0.2% | 47.2% |
| 69 PUERTO RICO | SAN JUAN | 0 | 99,997 | 124,651 | 0 | 446,532 | 270,491 | 4,289,780 | 5,190,442 | 0.6% | 17.6% |
| 70 RHODE ISLAND | PROVIDENCE | 109,000 | 0 | 412,492 | 999,167 | 910,900 | 444,181 | 430,441 | 3,717,606 | 0.4% | 61.1% |
| 71 SOUTH CAROLINA | COLUMBIA | 0 | 0 | 15,602 | 4,032,620 | 2,044,551 | 1,584,711 | 1,506,156 | 9,991,145 | 1.1% | 78.9% |
| 72 SOUTH DAKOTA | SIOUX FALLS | 0 | 0 | 23,969 | 33,019 | 179,207 | 179,207 | 1,200 | 189,495 | 0.0% | 21.4% |
| 73 TENNESSEE | KNOXVILLE | 0 | 242,521 | 117,469 | 139,203 | 365,898 | 686,271 | 410,020 | 1,910,296 | 0.2% | 52.2% |

**ASSETS FORFEITURE FUND
EQUITABLE SHARING DISBURSEMENTS**

(by District)

as of February 29, 1992

| # | JUDICIAL DISTRICT | CITY | FY 1986 | FY 1987 | FY 1988 | FY 1989 | FY 1990 | FY 1991 | FY 1992 | TOTAL TO DATE | % of TOTAL SHARING | % of NET DISBURS |
|----|-------------------|----------------|------------|-----------|------------|-------------|-------------|-------------|------------|------------------|-----------------------|---------------------|
| 75 | TENNESSEE | MIDDLE | 0 | 0 | 251,968 | 2,230 | 1,202,716 | 784,992 | 534,187 | 2,802,031 | 0.35% | 41.11% |
| 76 | TENNESSEE | WESTERN | 21,160 | 290,897 | 654,661 | 702,155 | 1,451,908 | 1,725,701 | 780,046 | 5,626,355 | 0.69% | 70.20% |
| 77 | TEXAS | NORTHERN | 446,706 | 702,297 | 2,530,813 | 4,095,929 | 5,377,000 | 6,559,060 | 579,671 | 20,291,535 | 2.51% | 59.20% |
| 78 | TEXAS | EASTERN | 25,537 | 78,566 | 422,855 | 437,130 | 1,862,567 | 1,105,653 | 376,156 | 4,179,123 | 0.51% | 42.96% |
| 79 | TEXAS | SOUTHERN | 2,907,763 | 601,761 | 1,548,790 | 4,033,066 | 8,753,169 | 11,233,044 | 5,206,039 | 34,613,781 | 4.70% | 39.95% |
| 80 | TEXAS | WESTERN | 34,304 | 1,281,378 | 966,760 | 1,420,401 | 3,102,761 | 8,897,023 | 959,661 | 17,379,837 | 2.15% | 44.33% |
| 81 | UTAH | SALT LAKE CITY | 0 | 106,961 | 646,474 | 206,121 | 330,606 | 600,141 | 34,152 | 1,884,436 | 0.24% | 44.91% |
| 82 | VERMONT | BURLINGTON | 37,293 | 29,828 | 45,578 | 42,623 | 118,777 | 613,931 | 142,336 | 1,641,326 | 0.20% | 47.69% |
| 83 | VIRGINIA | EASTERN | 17,442 | 108,359 | 855,371 | 2,132,151 | 3,854,399 | 5,601,306 | 1,242,311 | 13,901,596 | 1.7% | 48.42% |
| 84 | VIRGINIA | WESTERN | 4,116 | 37,020 | 244,857 | 548,149 | 607,462 | 603,970 | 1,098,342 | 3,605,963 | 0.45% | 63.18% |
| 85 | WASHINGTON | SPokane | 0 | 131,405 | 127,119 | 72,099 | 347,137 | 419,019 | 186,897 | 1,302,275 | 0.16% | 62.31% |
| 86 | WASHINGTON | WESTERN | 9,000 | 70,466 | 455,023 | 435,037 | 823,257 | 1,251,948 | 332,283 | 3,369,656 | 0.42% | 21.00% |
| 87 | WEST VIRGINIA | NORTHERN | 8,055 | 97,416 | 34,727 | 34,727 | 230,869 | 109,432 | 62,118 | 624,256 | 0.08% | 64.29% |
| 88 | WEST VIRGINIA | SOUTHERN | 0 | 109,641 | 74,468 | 120,008 | 213,566 | 1,291,143 | 117,916 | 2,611,544 | 0.32% | 63.83% |
| 89 | WISCONSIN | PASTERN | 239,136 | 184,004 | 494,478 | 1,519,387 | 1,432,816 | 2,793,381 | 474,396 | 7,150,700 | 0.84% | 55.55% |
| 90 | WISCONSIN | WESTERN | 0 | 0 | 186,238 | 119,145 | 360,555 | 449,547 | 377,703 | 1,473,183 | 0.18% | 65.13% |
| 91 | WYOMING | MADISON | 0 | 0 | 124,014 | 535,784 | 55,836 | 177,806 | 43,330 | 936,569 | 0.12% | 77.56% |
| 92 | S. MARIANA IS. | CHEYENNE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% | 0.00% |
| 93 | GUAM | AGANA | 0 | 0 | 0 | 5,949 | 15,560 | 6,762 | 3,951 | 33,162 | 0.00% | 21.38% |
| 94 | VIRGIN ISLANDS | ST. THOMAS | 0 | 0 | 0 | 0 | 75,000 | 184,442 | 4,720 | 264,162 | 0.03% | 13.64% |
| | FOREIGN GOVT | | 0 | 0 | 0 | 2,000,000 | 0 | 0 | 0 | 2,000,000 | 0.84% | N/A |
| | TOTAL | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% | 0.00% |
| | GRAND TOTALS | | 17,172,972 | 4,724,200 | 75,908,423 | 157,368,762 | 181,028,316 | 219,366,433 | 71,487,514 | 809,747,617 | 100.00% | 48.30% |

**ASSETS FORFEITURE FUND
EQUITABLE SHARING DISBURSEMENTS**
(by State)

as of February 29, 1992

| STATE or TERRITORY | USMS REGION | FY 1986 | FY 1987 | FY 1988 | FY 1989 | FY 1990 | FY 1991 | FY 1992 | TOTAL TO DATE | % of TOTAL SHARING | % of NET DEPOSITS |
|--------------------|-------------|-----------|------------|------------|-------------|-------------|-------------|-------------|---------------|--------------------|-------------------|
| ALABAMA | ATLANTA | \$141,966 | \$422,945 | \$708,432 | \$2,155,855 | \$3,415,712 | \$2,896,132 | \$1,000,961 | \$10,832,024 | 1.34% | 56.64% |
| ALASKA | SEATTLE | 0 | 125,947 | 288,195 | 552,833 | 759,694 | 507,441 | 451,112 | \$2,339,361 | 0.29% | 23.35% |
| ARIZONA | HOUSTON | 0 | 166,076 | 645,125 | 669,163 | 1,508,164 | 4,420,138 | 1,748,548 | \$9,157,513 | 1.15% | 33.91% |
| ARKANSAS | ST LOUIS | 9,732 | 356,035 | 498,454 | 702,244 | 922,494 | 1,153,578 | 243,688 | \$3,197,068 | 0.44% | 68.29% |
| CALIFORNIA | SAN DIEGO | 7,449,097 | 20,118,253 | 31,649,812 | 45,011,563 | 52,802,911 | 51,433,375 | 14,203,419 | \$222,670,689 | 27.59% | 54.17% |
| COLORADO | ST LOUIS | 9,450 | 1,042,045 | 312,841 | 2,211,491 | 6,730,623 | 2,541,712 | 1,443,677 | \$14,291,635 | 1.76% | 59.02% |
| CONNECTICUT | NEW YORK | 378,844 | 908,519 | 1,005,893 | 4,713,921 | 3,062,490 | 1,868,172 | 916,672 | \$13,362,512 | 1.70% | 55.91% |
| DELAWARE | NEW YORK | 0 | 200,824 | 330,876 | 334,219 | 319,398 | 1,073,660 | 203,307 | \$2,662,083 | 0.30% | 54.66% |
| DIST of COLUMBIA | NEW YORK | 0 | 40,251 | 66,487 | 240,660 | 568,162 | 34,354 | 125,554 | \$1,095,467 | 0.13% | 26.76% |
| FLORIDA | MIAMI | 187,600 | 1,253,085 | 1,693,576 | 3,409,068 | 6,287,171 | 27,171,704 | 2,119,345 | \$44,140,751 | 5.45% | 18.96% |
| GEORGIA | ATLANTA | 654,876 | 1,132,768 | 1,970,316 | 3,012,112 | 3,550,422 | 8,187,179 | 3,017,402 | \$27,532,076 | 2.66% | 39.02% |
| HAWAII | SAN DIEGO | 0 | 0 | 0 | 5,949 | 15,649 | 6,762 | 3,953 | \$32,316 | 0.00% | 21.58% |
| IDAHO | SEATTLE | 7,072 | 394,448 | 33,908 | 256,105 | 594,631 | 1,954,447 | 336,474 | \$3,577,163 | 0.46% | 17.59% |
| ILLINOIS | CHICAGO | 0 | 12,217 | 65,601 | 64,903 | 238,539 | 285,122 | 76,162 | \$745,664 | 0.09% | 58.36% |
| INDIANA | CHICAGO | 229,910 | 1,546,338 | 820,136 | 2,690,231 | 6,822,023 | 6,362,494 | 2,327,039 | \$20,998,191 | 2.59% | 38.06% |
| IOWA | ST LOUIS | 20,000 | 75,927 | 110,855 | 891,935 | 1,401,463 | 2,034,802 | 1,304,543 | \$6,039,526 | 0.75% | 52.05% |
| KANSAS | ST LOUIS | 10,300 | 312,338 | 254,979 | 244,896 | 685,099 | 999,292 | 239,385 | \$2,465,103 | 0.30% | 50.13% |
| KENTUCKY | CHICAGO | 0 | 147,277 | 77,903 | 201,710 | 961,873 | 1,119,832 | 160,779 | \$2,669,325 | 0.33% | 63.29% |
| LOUISIANA | HOUSTON | 62,080 | 444,568 | 321,595 | 617,060 | 1,432,815 | 2,409,130 | 506,306 | \$5,873,335 | 0.75% | 63.15% |
| MAINE | NEW YORK | 446,206 | 192,465 | 1,122,314 | 1,075,051 | 4,099,107 | 2,778,771 | 512,715 | \$11,226,629 | 1.39% | 63.93% |
| MARYLAND | NEW YORK | 0 | 53,640 | 999,242 | 1,001,196 | 563,044 | 698,980 | 160,836 | \$2,459,391 | 0.30% | 47.01% |
| MASSACHUSETTS | NEW YORK | 293,252 | 165,376 | 517,608 | 1,319,496 | 4,451,270 | 2,323,774 | 888,547 | \$10,199,235 | 1.25% | 42.59% |
| MICHIGAN | CHICAGO | 0 | 487,301 | 1,430,294 | 2,249,300 | 2,581,527 | 2,016,511 | 139,582 | \$8,904,721 | 1.10% | 35.68% |
| MINNESOTA | ST LOUIS | 444,089 | 458,358 | 1,660,094 | 5,302,699 | 3,668,639 | 9,365,132 | 218,699 | \$21,167,710 | 2.61% | 47.27% |
| MISSISSIPPI | ATLANTA | 34,085 | 38,907 | 1,391,210 | 899,696 | 1,794,086 | 1,132,563 | 419,124 | \$5,911,664 | 0.75% | 47.82% |
| MISSOURI | ST LOUIS | 23,217 | 182,156 | 741,072 | 1,053,493 | 1,266,638 | 1,681,308 | 138,432 | \$5,286,346 | 0.65% | 53.30% |
| MONTANA | SEATTLE | 690,999 | 794,269 | 1,315,996 | 2,810,469 | 4,099,941 | 5,317,287 | 1,432,014 | \$16,801,974 | 2.07% | 67.15% |
| NEBRASKA | ST LOUIS | 0 | 14,369 | 0 | 15,870 | 137,952 | 227,891 | 1,497 | \$397,579 | 0.05% | 30.08% |
| NEVADA | SAN DIEGO | 11,094 | 87,014 | 47,129 | 176,279 | 323,561 | 382,140 | 111,474 | \$1,354,691 | 0.17% | 75.55% |
| NEW HAMPSHIRE | NEW YORK | 6,310 | 151,397 | 1,099,428 | 464,719 | 128,308 | 219,579 | 1,594,884 | \$3,965,219 | 0.49% | 20.15% |
| | | 26,177 | 14,717 | 15,348 | 110,296 | 325,677 | 402,448 | 141,737 | \$1,032,729 | 0.13% | 44.71% |

**ASSETS FORFEITURE FUND
EQUITABLE SHARING DISBURSEMENTS
(by State)**

as of February 29, 1992

| STATE or TERRITORY | USMS REGION | FY 1986 | FY 1987 | FY 1988 | FY 1989 | FY 1990 | FY 1991 | FY 1992 | TOTAL TO DATE | % of TOTAL SHARING | % of NET DEPOSITS |
|-----------------------|----------------|-------------------|-------------------|-------------------|--------------------|--------------------|--------------------|-------------------|--------------------|-----------------------|----------------------|
| NEW JERSEY | NEW YORK | 24,481 | 172,097 | 381,410 | 1,321,062 | 715,215 | 2,091,656 | 32,383 | \$4,784,485 | 0.59% | 34.17% |
| NEW MEXICO | HOUSTON | 0 | 72,657 | 492,874 | 1,011,133 | 795,468 | 2,340,994 | 245,364 | \$5,068,729 | 0.63% | 46.84% |
| NEW YORK | NEW YORK | \$331,604 | \$7,139,576 | \$3,833,444 | \$31,702,848 | \$11,063,742 | \$43,777,481 | \$3,719,659 | \$101,760,598 | 12.37% | 15.16% |
| N CAROLINA | ATLANTA | 1,095,211 | 1,304,738 | 1,476,605 | 3,359,643 | 3,809,156 | 6,444,140 | 2,472,991 | \$21,983,435 | 2.71% | 62.77% |
| N DAKOTA | ST. LOUIS | 0 | 8,350 | 0 | 0 | 135,259 | 54,180 | 53,702 | \$235,501 | 0.03% | 63.34% |
| N MARIANA IS. | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% | 0.00% |
| OHIO | CHICAGO | 167,580 | 751,646 | 1,043,912 | 1,924,177 | 3,055,543 | 5,361,512 | 1,702,393 | \$14,004,923 | 1.75% | 54.48% |
| OKLAHOMA | ST. LOUIS | 0 | 443,009 | 1,137,319 | 921,302 | 1,960,445 | 2,906,403 | 1,120,549 | \$8,491,127 | 1.05% | 63.24% |
| OREGON | SEATTLE | 200,219 | 428,980 | 875,220 | 1,859,311 | 4,102,500 | 2,702,848 | 473,943 | \$10,441,630 | 1.31% | 65.61% |
| PENNSYLVANIA | NEW YORK | 13,616 | 1,399,065 | 1,082,344 | 1,934,773 | 3,140,976 | 2,509,732 | 1,046,643 | \$11,127,169 | 1.37% | 23.87% |
| PUERTO RICO | MIAMI | 0 | 59,392 | 124,633 | 0 | 446,322 | 270,493 | 4,289,780 | \$5,190,843 | 0.64% | 17.66% |
| RHODE ISLAND | NEW YORK | 0 | 119,615 | 612,492 | 999,747 | 910,590 | 844,181 | 436,441 | \$3,717,466 | 0.46% | 63.12% |
| S CAROLINA | ATLANTA | 109,000 | 0 | 35,602 | 4,032,820 | 2,048,835 | 1,734,711 | 1,586,356 | \$9,591,345 | 1.18% | 78.90% |
| S DAKOTA | ST. LOUIS | 0 | 0 | 0 | 23,546 | 35,019 | 125,797 | 1,200 | \$189,495 | 0.02% | 21.41% |
| TENNESSEE | ATLANTA | 21,140 | 524,418 | 1,941,543 | 843,807 | 3,070,932 | 3,098,366 | 1,718,253 | \$10,339,482 | 1.28% | 59.10% |
| TEXAS | HOUSTON | 3,504,311 | 2,876,024 | 5,449,227 | 14,026,949 | 19,423,302 | 27,794,966 | 7,121,329 | \$80,214,028 | 9.91% | 43.23% |
| UTAH | SEATTLE | 0 | 108,941 | 686,474 | 206,123 | 330,606 | 600,141 | 34,152 | \$1,964,436 | 0.24% | 84.91% |
| VERMONT | NEW YORK | 37,293 | 29,828 | 46,538 | 452,623 | 318,777 | 415,931 | 142,336 | \$1,641,306 | 0.20% | 47.49% |
| VIRGIN ISLANDS | MIAMI | 0 | 0 | 0 | 0 | 75,000 | 184,842 | 4,720 | \$264,562 | 0.03% | 13.64% |
| VIRGINIA | NEW YORK | 21,998 | 144,329 | 1,240,230 | 2,490,700 | 4,462,292 | 6,205,176 | 2,740,857 | \$17,307,581 | 2.16% | 50.76% |
| WASHINGTON | SEATTLE | 9,000 | 221,871 | 542,142 | 508,376 | 1,170,394 | 1,070,947 | 511,181 | \$4,673,931 | 0.58% | 25.77% |
| WEST VIRGINIA | CHICAGO | 8,053 | 207,059 | 844,087 | 153,335 | 444,434 | 1,400,595 | 180,035 | \$3,239,600 | 0.40% | 64.63% |
| WISCONSIN | CHICAGO | 256,136 | 184,504 | 660,712 | 1,638,932 | 1,793,349 | 3,335,930 | 852,299 | \$8,624,882 | 1.07% | 54.98% |
| WYOMING | SEATTLE | 0 | 0 | 124,013 | 535,784 | 55,656 | 177,806 | 43,330 | \$936,509 | 0.12% | 77.54% |
| FOREIGN GOVT | | 0 | 0 | 0 | 2,000,000 | 0 | 0 | 4,834,477 | \$6,834,477 | 0.84% | N/A |
| OTHER | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% | 0.00% |
| GRAND TOTALS: | | 13,127,972 | 47,274,208 | 75,906,423 | 157,548,762 | 181,028,314 | 239,366,433 | 71,487,516 | 809,717,817 | 100.00% | 44.85% |



THURSDAY, MARCH 12, 1992.

ORGANIZED CRIME DRUG ENFORCEMENT

WITNESSES

MICHAEL W. CAREY, ASSOCIATE DEPUTY ATTORNEY GENERAL

FREDERICK W. KRAMER, DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE EXECUTIVE OFFICE

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Ms. PELOSI [presiding]. The Committee will come to order.

We will now hear the testimony concerning the Organized Crime Drug Enforcement appropriation.

The Department requested \$399,126,000 for this account for fiscal year 1993. These funds will then be used to reimburse Federal agencies for OCDE support. We will insert in the record at this point the OCDE fiscal year 1993 budget request.

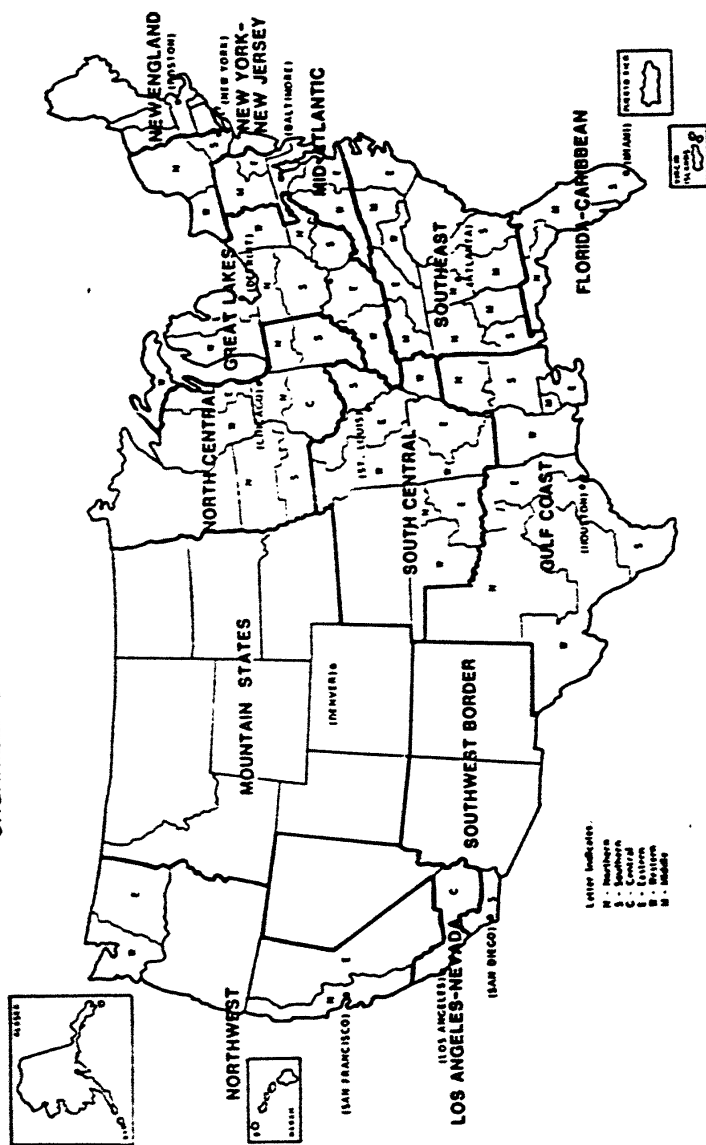
[The information follows:]

(961)

Department of Justice
Interagency Law Enforcement
Organized Crime Drug Enforcement
Estimates for Fiscal Year 1993
Table of Contents

| | |
|--|----------------|
| Organization Chart..... | Page Number |
| Summary Statement..... | 1 |
| Justification of Proposed Changes in Appropriation Language..... | 2 |
| Crosswalk of 1992 Changes..... | 3 |
| Summary of Requirements..... | 6 |
| Summary of Resources by Program..... | 7 |
| Justification of Program and Performance..... | 8 |
| Financial Analysis - Program Changes..... | 9 |
| Priority Ranking..... | 36 |
| Detail of Permanent Positions by Category..... | 39 |
| Summary of Change..... | 40 |
| Justification of Adjustments to Base..... | 41 |
| Summary of Requirements by Grade and Object Class..... | 42 |
| | 47 |

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES



Interagency Law Enforcement
Organized Crime Drug Enforcement

Summary Statement

Fiscal Year 1993

The Organized Crime Drug Enforcement (OCDE) Task Force Program is requesting for 1993, a total of 4,370 reimbursable positions, 4,226 reimbursable salaries, and \$199,145,000. This includes 2,546 agents and 584 attorneys. This request represents an increase of 390 reimbursable positions (205 agents and 47 attorneys), 102 reimbursable salaries and \$20,583,000 over the 1993 base.

In 1983 and 1984, the OCDETF Program operated as a single appropriation reimbursing participating agencies for their participation in the Program. Beginning in 1985, the resources were appropriated directly to the participating agencies. Pursuant to Section 1051 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690), a single appropriation request for the OCDE Task Force Program was again established beginning in 1989. The agencies participating in the OCDE Task Force Program are now reimbursed for their participation in the initiative from the single OCDE appropriation.

BACKGROUND

The OCDE Task Force Program consists of a nationwide structure of thirteen regional Task Forces which utilize the combined resources and expertise of its twelve member Federal agencies in cooperation with State and local investigators and prosecutors to target and destroy major narcotic trafficking and money laundering organizations. A multi-faceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution. Thus, for example, by uniting the physical and electronic surveillance capabilities of the Federal Bureau of Investigation (FBI), the drug intelligence data base and drug investigative skills of the Drug Enforcement Administration (DEA), the tax and financial intelligence of the Internal Revenue Service (IRS), the Bureau of Alcohol, Tobacco, and Firearms (BATF) skills in weapons investigations, the resources of the U.S. Coast Guard in tracking international movements of people and goods, the intelligence gained from the U.S. Coast Guard maritime activities, the U.S. Customs Service's expertise in tracking and deporting illegal aliens, and the U.S. Marshals Service's (USMS) authorities, the full force of the drug enforcement community is brought to bear against the OCDETF target. The OCDETF Program further broadens this base with the local law enforcement resources of State and local law enforcement agencies and adds to the impact by utilizing resources to the maximum extent possible in investigations. The U.S. Attorney, and the Department of Justice Criminal Division and Tax Division contribute resources to the prosecution of OCDE Task Force Program cases. As the newest member, the Financial Crimes Enforcement Network (FINCEN) will provide multi-source, multi-discipline, multi-agency financial intelligence analysis to target and destroy major narcotic trafficking and money laundering organizations.

The goal of the OCDETF Program is to identify, investigate and prosecute members of high-level drug trafficking enterprises and to destroy the operations of those organizations. Four objectives continue to guide the selection and conduct of investigations:

- To target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises; including large-scale money laundering organizations;
- To promote a coordinated drug enforcement effort in each Task Force region and encourage maximum cooperation among all drug enforcement agencies;
- To work fully and effectively with State and local drug law enforcement agencies; and
- To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions.

ACCOMPLISHMENTS

The OCDETF Program strategy has been able to immobilize drug trafficking and money laundering organizations by prosecuting and incarcerating organization members or, where appropriate, extraditing or deporting them; and by divesting them of their power through forfeiture of organization and individual assets. The OCDETF Program has attacked organized drug trafficking from the top, instituting in-depth investigations leading to the prosecution and

conviction of the highest level drug traffickers. The Program's twelve federal agencies, acting in concert with numerous state and local agencies, have disabled many major drug trafficking organizations by removing the key individuals who provided these organizations with leadership, capital, and expertise.

The ODETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions have demonstrated the efficacy of ODETF's operational model. After eight years, it has become apparent that the most promising strategy for combating major illicit drug traffickers is that of the ODETF Program. From its inception late in 1982 through the end of 1990, the Task Force:

- Initiated 3,466 investigations, resulting in 8,534 indictments;
- convicted 16,658 members of criminal organizations;
- sentenced 13,759 persons to prison;
- charged 1,164 persons with Continuing Criminal Enterprise (CCE) violations and 1,357 individuals with Racketeering-Influenced Corrupt Organization (RICO) violations; and
- seized cash and property assets totaling almost \$2 billion.

Illustrative of ODETF's success is that 86.3% of all indicted defendants are convicted.

THE 1993 PROGRAM

The 1993 request for the ODETF Task Force Program consists of three budget activities incorporating the resources of the twelve federal agencies. The budget activities are Drug Law Enforcement, Prosecutions, and Administrative Support. The major initiatives and resource requests for 1993 for these activities are summarized below.

DRUG LAW ENFORCEMENT

This activity provides resources for the investigations conducted by the thirteen regional ODETF Task Forces. The total resources requested in 1993 for this budget activity are 3,489 reimbursable positions (2,544 agents), 3,231 reimbursable workyears and \$313,887,000. This represents 78.7 percent of the total funding request for the ODETF Task Force Program in 1993.

The focus of Task Force investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking. This activity provides resources to reimburse law enforcement agencies in the Department of Justice, Department of the Treasury and the Department of Transportation for investigative activities related to the ODETF Task Forces.

Program increases of 297 reimbursable positions (205 agents), 76 reimbursable workyears and \$16,757,000 are requested. A summary of increases requested follows:

- o The request for DEA seeks a program increase of 59 reimbursable positions (47 agents and 12 support), 15 reimbursable workyears, and \$4,195,000.
- o The request for the FBI includes 109 reimbursable positions (66 agents and 43 general support), 28 reimbursable workyears, and \$5,971,000 for its Regional Action Plan.
- o A program increase of 22 reimbursable agent positions, 6 reimbursable workyears, and \$1,326,000 is requested for the Immigration and Naturalization Service.
- o A program increase of 19 reimbursable positions (15 agents and 4 support), 5 reimbursable workyears and \$1,026,000 is requested for the U.S. Customs Service. This includes \$244,000 for Special Operations and Undercover Operations.

- o A program increase of 10 reimbursable positions (9 agents and 1 support), 2 workyears and \$700,000 is requested for the Bureau of Alcohol, Tobacco and Firearms.
- o A program increase of 66 reimbursable positions (46 agents and 18 support), 16 reimbursable workyears and \$3,044,000 is requested for the Internal Revenue Service to conduct increased financial investigations of major drug trafficking organizations.
- o An increase of 16 reimbursable positions (1 attorney and 13 support), 4 reimbursable workyears and \$495,000 is requested for the Financial Crimes Enforcement Network (FinCEN) for 1993.

Prosecutions

The prosecution activity request for the ODE Task Force Program in 1993 totals 1,067 reimbursable positions (582 attorneys), 961 reimbursable workyears and \$63,851,000. This represents 21.0 percent of the total ODE Task Force Program funding request for 1993. This funding is utilized for the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts toward ODE Task Force cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

An increase of 92 reimbursable positions (46 attorneys, 18 paralegals, 26 clerks), 25 reimbursable workyears and \$3,767,000 is requested for the prosecution activity.

- o An increase of 90 reimbursable positions (44 attorneys, 18 paralegals, and 27 clerks), 23 reimbursable workyears, and \$3,538,000 for the U.S. Attorneys will respond to the escalating ODEff workload caused by the initiation of increasing complex long-term investigations, and rapidly increasing appeals caused by the penalties in the Anti-Drug Abuse Act of 1988 and the Sentencing Guidelines. This includes funding of \$1,470,000 to cover space rental costs of ODEff agents who occupy U.S. Attorney Office space.
- o The request for prosecutors represents the minimum level necessary to successfully conduct the complex investigations and prosecutions which have become the hallmark of the ODEff Program. The 1993 Caseload Study documented that the most successful and productive ODEff cases were those in which the personnel ratio was less than 4.5 agents to each attorney. This request is driven by that ratio. One factor which has not been considered but which further substantiates the attorney request, is the continuing increase of State and local officers who participate in the Program. They are also generating significant workload for the prosecutors assigned to ODEff.
- o An increase of 3 reimbursable positions (2 attorneys and 1 support), 2 reimbursable workyears, and \$229,000 is requested for the Tax Division for 1993.

Administrative Budget

The administrative support activity request for the ODE Task Force Program in 1993 totals 16 positions, 16 workyears, and \$1,348,000. This represents just .3 percent of the total funding request for the ODE Task Force Program in 1993.

This activity provides policy guidance, central coordination, and administrative support to the headquarters of the twelve Federal agencies and the thirteen regional task forces. The Executive Office for ODEff has day-to-day responsibility for providing administrative support to the Task Forces and is responsible for financial management, records management, and maintenance of the Management Information System. This staff serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

A program increase of 1 position, 1 workyear and \$39,000 is requested for the Executive Office for ODEff.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Organized Crime Drug Enforcement

for necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, (\$343,374,000) of which \$50,000,000 shall remain available until expended. Provided, That any amounts obligated from appropriations under this heading may be used under authority available to the organizations reimbursed from this appropriation. Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in Section 406 of this Act.

\$393,374,000

(Department of Justice and Related American Associations Act, 1992: additional authorization limitation to be processed.)

Elimination of changes
 in substantive changes proposed.

[illegible]

Interagency Law Enforcement
Detailed Crime Drug Enforcement
Summary of Responses by Program
(Dollars in thousands)

| Estimate by Program | 1991 as Executed | | | 1992 Actual | | | 1992 Appropriation Anticipated | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---|------------------|--------------|----------------|--------------|--------------|----------------|--------------------------------|--------------|----------------|--------------|--------------|----------------|---------------|--------------|----------------|-------------------|------------|---------------|
| | Perf. | WT | Aut. | Perf. | WT | Aut. | Perf. | WT | Aut. | Perf. | WT | Aut. | Perf. | WT | Aut. | Perf. | WT | Aut. |
| Drug Law Enforcement: | | | | | | | | | | | | | | | | | | |
| Drug Enforcement Administration..... | 995 | 995 | 995,295 | 995 | 995 | 995,295 | 1,039 | 1,039 | 1,039,000 | 1,039 | 1,039 | 995,275 | 1,040 | 1,041 | 995,270 | 50 | 13 | 64,195 |
| Federal Bureau of Investigation..... | 936 | 936 | 89,943 | 936 | 936 | 89,943 | 1,041 | 990 | 97,150 | 1,041 | 1,041 | 99,890 | 1,153 | 1,072 | 106,000 | 100 | 20 | 5,071 |
| Immigration and Naturalization Service..... | 125 | 125 | 10,251 | 125 | 125 | 10,251 | 125 | 125 | 10,350 | 121 | 121 | 11,010 | 143 | 137 | 12,343 | 22 | 6 | 1,206 |
| U.S. Marshals Service..... | 13 | 13 | 1,042 | 13 | 13 | 1,042 | 13 | 13 | 1,122 | 13 | 13 | 1,100 | 13 | 13 | 1,100 | .. | .. | .. |
| U.S. Customs Service..... | 356 | 321 | 25,750 | 356 | 321 | 25,750 | 356 | 356 | 29,296 | 356 | 356 | 29,296 | 375 | 361 | 26,266 | 19 | 5 | 1,026 |
| Bureau of Alcohol, Tobacco and Firearms..... | 137 | 130 | 5,901 | 137 | 130 | 5,901 | 137 | 130 | 10,243 | 137 | 130 | 10,475 | 147 | 132 | 11,275 | 10 | 2 | 700 |
| Internal Revenue Service..... | 472 | 420 | 31,995 | 472 | 420 | 31,995 | 472 | 456 | 37,266 | 472 | 455 | 36,475 | 526 | 471 | 41,717 | 64 | 16 | 3,644 |
| U.S. Coast Guard..... | 10 | 10 | 600 | 10 | 5 | 600 | 10 | 10 | 690 | 10 | 10 | 610 | 10 | 10 | 610 | .. | .. | .. |
| Financial Crimes Enforcement Network..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| State and Local Law Enforcement Programs..... | .. | .. | 31,000 | .. | .. | 31,000 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| High Intensity Drug Trafficking Program..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Subtotal..... | 3,039 | 2,790 | 209,163 | 3,039 | 2,790 | 209,293 | 3,197 | 3,061 | 316,012 | 3,192 | 3,135 | 297,130 | 3,409 | 3,231 | 313,007 | 269 | 76 | 16,712 |
| Protections: | | | | | | | | | | | | | | | | | | |
| U.S. Attorneys..... | 956 | 790 | 66,635 | 956 | 790 | 66,635 | 955 | 930 | 76,492 | 955 | 930 | 70,049 | 1,044 | 961 | 81,497 | 89 | 23 | 3,590 |
| Criminal Division..... | 5 | 5 | 202 | 5 | 5 | 202 | 5 | 5 | 223 | 5 | 5 | 102 | 5 | 5 | 102 | .. | .. | .. |
| Tax Division..... | 16 | 12 | 1,194 | 16 | 12 | 1,194 | 16 | 12 | 1,236 | 16 | 12 | 1,275 | 17 | 16 | 1,500 | 3 | 2 | 270 |
| Subtotal..... | 976 | 800 | 68,031 | 976 | 800 | 68,031 | 976 | 936 | 76,951 | 975 | 936 | 69,004 | 1,067 | 981 | 83,101 | 92 | 25 | 3,762 |
| Administrative Support: | | | | | | | | | | | | | | | | | | |
| Executive Office..... | 13 | 12 | 1,223 | 13 | 12 | 1,004 | 13 | 13 | 1,311 | 13 | 13 | 1,309 | 16 | 16 | 1,300 | 3 | 3 | 20 |
| Total..... | 4,020 | 3,610 | 356,937 | 4,020 | 3,600 | 356,732 | 4,195 | 4,004 | 391,374 | 4,160 | 4,126 | 376,363 | 4,509 | 4,226 | 399,126 | 290 | 102 | 20,563 |
| Other Activities: | | | | | | | | | | | | | | | | | | |
| Multi/interagency Operation..... | 566 | .. | .. | 566 | .. | .. | 612 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Total comparable activities..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Net Change..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |

Interagency Law Enforcement
Organized Crime Division
Justification of Program and Performance
Activity Expense Summary
(Dollars in thousands)

| Activity: Drug Law Enforcement | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---|--------------------|-------|-----------|-----------|-------|---------|---------------|-------|---------|-------------------|-----|--------|
| | Per- | WT | Amount | Per- | WT | Amount | Per- | WT | Amount | Per- | WT | Amount |
| Drug Enforcement Administration..... | 1,039 | 1,001 | 995,004 | 1,039 | 1,026 | 999,275 | 1,098 | 1,041 | 910,470 | 59 | 15 | 84,195 |
| Federal Bureau of Investigation..... | 1,044 | 990 | 97,150 | 1,044 | 1,044 | 100,898 | 1,153 | 1,072 | 106,849 | 109 | 28 | 5,971 |
| Immigration and Naturalization Service..... | 125 | 125 | 10,550 | 121 | 121 | 11,019 | 163 | 127 | 12,345 | 22 | 6 | 1,326 |
| U.S. Marshall Service..... | 13 | 13 | 1,122 | 13 | 13 | 1,160 | 13 | 13 | 1,160 | ... | ... | ... |
| U.S. Customs Service..... | 356 | 356 | 28,286 | 356 | 356 | 29,220 | 375 | 361 | 30,244 | 19 | 5 | 1,026 |
| Bureau of Alcohol, Tobacco and Firearms..... | 137 | 130 | 10,344 | 137 | 130 | 10,675 | 167 | 132 | 11,375 | 10 | 2 | 700 |
| Internal Revenue Service..... | 473 | 456 | 37,366 | 472 | 455 | 38,673 | 536 | 471 | 41,717 | 64 | 16 | 3,044 |
| U.S. Coast Guard..... | 10 | 10 | 890 | 10 | 10 | 910 | 10 | 10 | 910 | ... | ... | ... |
| Financial Crimes Enforcement Network..... | ... | ... | ... | ... | ... | ... | 16 | 4 | 495 | 14 | 4 | 495 |
| State and Local Overtime Program..... | ... | ... | 5,300 | ... | ... | 5,300 | ... | ... | 5,300 | ... | ... | ... |
| High Intensity Drug Trafficking Area (HIDTA)..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Subtotal..... | 5,197 | 5,181 | 1,010,000 | 5,192 | 5,193 | 997,193 | 5,789 | 5,511 | 915,887 | 592 | 76 | 16,794 |

This budget activity includes resources to reimburse law enforcement agencies in the Department of Justice, the Department of the Treasury and the Department of Transportation for investigative activities related to the thirteen OIG task forces. The focus of task force investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking.

Long-Range Goals: To identify and investigate high-level organized criminal enterprises engaged in drug trafficking and to dismantle those organizations.

Major Objectives:

To target and investigate individuals who organize, direct and finance high-level illegal narcotics trafficking enterprises.

To make full use of financial investigative techniques and forfeiture actions, thereby enabling the Federal Government to seize assets and profits derived from narcotics trafficking.

To promote a coordinated drug enforcement effort in each of the thirteen task force regions.

To encourage maximum cooperation among all federal law enforcement agencies.

To work fully and effectively with state and local law enforcement agencies investigating illegal narcotics trafficking.

Base Program Description:

1. Headquarters and Field Organization.

The Executive Review Board (ERB) is chaired by the Deputy Attorney General and is composed of senior officials from agencies of the Treasury, the Department of Justice, and the Federal Reserve. The ERB provides oversight nationally by articulating policy, reviewing the allocation of resources, and recommending the resolution of outstanding issues that cannot be settled in the field. The Washington Agency Representative Group (WAR Group), composed of high-level managers from each member agency, provides problem resolution research for the Board. A small Executive Office is based at the Justice Department headquarters in Washington. The Executive Office serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required. This staff is also responsible for financial management, records management, maintenance of the Management Information System (MIS) and supports field operations in the thirteen ODETF regions.

The organization of each region has two principal structural components: the Task Force Advisory Committee and the Task Force Coordination Group. The Advisory Committee oversees the Task Force, while the Coordination Group shares intelligence among the agencies, decides which cases are selected, coordinates the allocation of assets among cases, and facilitates cooperation among the agencies and between regions.

Each regional Advisory Committee is comprised of all of the region's U.S. Attorneys, the Assistant U.S. Attorney (AUSA) Task Force Coordinator and the coordinators for each participating agency, and the senior regional representatives of those agencies. As the senior official responsible for each Task Force's performance, the Core City U.S. Attorney chairs the committee and supervises the AUSA Coordinator.

The Task Force Coordination Group plays a central role in coordinating the ODETF Program within its region. Consisting of the AUSA Task Force Coordinator and coordinators from each participating federal agency, the Coordination Group evaluates cases proposed for Task Force designation and approves investigations for initiation as ODETF matters. The group also reviews the use of Task Force resources and resolves disputes between member agencies.

In the non-core cities, District Drug Enforcement Coordination Groups review investigation proposals, resource allocation, and the progress of Task Force efforts. Each non-core city U.S. Attorney selects an AUSA to serve as lead Task Force Attorney for the district. This Lead Task Force Attorney coordinates case selection with representatives of the participating agencies, is responsible for district reporting tasks, and serves as liaison with the Core City Task Force office.

2. State and Local Participation.

From the Program's inception, State and local law enforcement elements have worked closely with the Task Forces. The ODETF Guidelines promote joint involvement of State and local authorities in the investigation, apprehension, and prosecution of major drug traffickers and their organizations.

Several elements of the ODETF Program facilitate State and local participation. Funds are available to reimburse the States and localities for overtime and other expenses incurred by their personnel while participating in Task Force cases. There have been approximately 4,400 reimbursement agreements between Task Forces and State, county, or local agencies. These local agencies continue to pay the salaries of their investigators who are working on Task Force cases but are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

State and local participation is further facilitated, when appropriate to an investigation, by the deputization of State or local law enforcement officers as Federal Agents.

Finally, the ODETF Program facilitates equitable sharing of assets forfeited by drug traffickers. Sharing of assets provides a bonus to participating State and local agencies in the form of vehicles and cash.

3. Member Agencies.

According to the ODETF Guidelines, one of the Program's main objectives is "...to promote a coordinated drug enforcement effort in each Task Force region, and to encourage maximum cooperation among all drug enforcement agencies....." Throughout its eight years of operation, the ODETF

Program has pursued this objective.

Many of the Task Force investigations are so complex and labor intensive that they could not have been conducted without cooperation among the ODETF Program agencies. Most, if not all, of these investigations require a mix of skills, experience, and jurisdiction possessed by no single agency. Each of the Federal Task Force members brings its own special skills and methods to the Program. Members come from three Cabinet-level departments: Justice, Transportation, and Treasury.

a) The Department of Justice.

Participating Justice agencies include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), the U.S. Attorneys' offices, and the U.S. Marshals Service. Support for the Program is also provided by the Department's Tax and Criminal Divisions.

The effective use of the expertise of these components is an indispensable tool in the ODETF Program. Thus, DEA's narcotics investigative experience, knowledge of drug distribution organizations, and close working relations with State and local authorities make this agency essential to every Task Force. The same holds true for the FBI which brings to the Program the ability to gather and analyze intelligence data and to deploy and manage sophisticated electronic surveillance and undercover operations.

The Immigration and Naturalization Service (INS) has statutory responsibility for the admission, control, and removal of aliens. Pursuant to this authority, INS identifies and screens high-risk persons entering the United States to curtail alien involvement in illicit narcotics enterprises.

The U.S. Marshals Service is charged with safeguarding the integrity of the judicial process by preventing jury tampering and disruption in the courtroom. The Marshals Service also manages seized assets and those assets forfeited by drug traffickers, and has a major responsibility in bringing ODETF fugitives to justice.

b) The Department of Transportation.

The Transportation Department participates in the ODETF Program through the U.S. Coast Guard. The Coast Guard has assumed a variety of functions that meld with the work of the other Task Force agencies. Coast Guard coordinators participate in case selection, analysis, and review; serve as liaison with the military services; and provide valuable intelligence and guidance on cases with maritime connections.

c) The Department of the Treasury.

Participating Treasury agencies include the Bureau of Alcohol, Tobacco and Firearms (BATF); the Internal Revenue Service (IRS); the U.S. Customs Service (USCS); and the Financial Crimes Enforcement Network (FINCEN).

BATF's special role in enforcing Federal firearms, explosives, and arson laws gives the Program access to special expertise in dealing with drug traffickers who are well armed and increasingly prone to violence. BATF's jurisdiction and capabilities make it a well-suited partner to other agencies participating in the war against illegal drugs.

The IRS actively participates in ODETF Task Force cases through its investigation of tax-related violations of the Internal Revenue Code. The IRS's Criminal Investigation Division also investigates money laundering operations, enforces major provisions of the Bank Secrecy Act, and assists in asset seizure and forfeiture actions. Additionally, the IRS's Examination Division may initiate jeopardy and termination tax assessments in cases where the collection of a tax from a drug offender may be in jeopardy.

The U.S. Customs Service has been especially effective in conducting financial investigations. Through the analysis of computer data collected under the Bank Secrecy Act, Customs identifies and traffickers money launderers for ODETF Task Force investigations. Customs' capacity to track the international movement of cash, persons, and commodities is also critical in conducting investigations of other Task Force agencies. The Customs Service is also a major interdictive agency. Its mission includes the interdiction of drug shipments through all ports of entry into the United States.

In support of the Organized Crime Drug Enforcement Task Force (OCDETF) mission, FINCEN will provide multi-source, multi-discipline, multi-

agency financial intelligence analysis to target and destroy major narcotic trafficking and money laundering organizations.

Accomplishments and Workload: The ODETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions has demonstrated the efficacy of ODETF's operational model.

In the years since its creation, ODETF has established itself as the "flagship" of the federal drug enforcement effort. The National Drug Control Strategy, published during February 1991, again strongly endorsed the ODETF model.

After eight years, it has become apparent that the most promising strategy for combating major illicit drug traffickers is the ODETF type of investigation and prosecution. The ODETF Program strategy is to immobilize drug trafficking and money laundering organizations by incarcerating organization members; causing forfeiture of organization and individual assets; and, where appropriate, extraditing, deporting, and excluding organization members. To achieve these ends, the Task Forces have directed their resources at those significant national and international targets against which successful prosecution has the greatest impact. From its inception late in 1982 through the end of 1990, the Task Forces:

- Initiated 3,486 investigations, resulting in 8,534 indictments and criminal information;
- convicted 16,658 members of criminal organizations;
- sentenced 13,759 persons to prison;
- charged 1,164 persons with CCE violations and 1,357 individuals with RICO violations; and
- seized cash and property assets totaling almost \$2 billion.

ODE Task Force results have reflected the success of the ODETF's targeting strategy: reaching above the retail and "midlevel" levels of the drug trade. Most of the charges brought in ODETF indictments have been against leaders, lenders, launderers, and major suppliers of multi-district, national, and international criminal organizations.

Illustrative of ODETF's success is that 86.3% of all indicted defendants are convicted.

Consolidated Workload of the ODE Task Force Program Follows:

| Item | Estimate | | |
|---|----------|-------|-------|
| | 1970 | 1991 | 1992 |
| Investigations..... | 634 | 718 | 868 |
| Indictments..... | 1,526 | 1,700 | 2,082 |
| Individuals indicted..... | 5,010 | 4,844 | 5,830 |
| Convictions..... | 2,206 | 3,164 | 3,789 |
| Seizures (in millions of dollars)..... | \$432 | \$359 | \$434 |
| Forfeitures (in millions of dollars)..... | \$237 | \$91 | \$110 |
| | | | \$115 |

Selected ODETF case examples are available in the 1983-1990 Annual Reports.

Program Changes (Drug Law Enforcement):

An increase of 297 positions (205 agents, 1 attorney, and 91 support positions), 76 workyears and \$16,757,000 is requested for the Drug Law Enforcement activity for 1993.

Many developments have taken place in the drug trafficking arena within the last year. Most of these are encouraging, such as the recent fluctuations in the price and purity of cocaine indicating an unstable market, record drug seizures abroad, the significant increase in cooperation among the international community, and the fact that some major trafficking organizations are becoming cash poor and are collapsing due to intensified asset seizure efforts. However, several developments in drug trafficking within the last year concern law enforcement.

Although cocaine remains the primary drug trafficked to the United States, expanding markets and profit of both heroin and marijuana are fostering an accelerated growth of poly-drug trafficking organizations. The most visible evidence of this trend is the increasing amounts of seizures that contain more than one drug.

The cocaine cartels are relying more upon Mexican trafficking organizations that have established heroin and marijuana networks to transport their cocaine. This is partially due to successful interdiction efforts in the Caribbean area and that the investigative link between the cartels must be as easily determined when Mexican traffickers are involved. But in using Mexican traffickers, the cartels have realized another avenue to ship drugs to the United States.

Intelligence reports indicate that the cocaine cartels are also testing the heroin market. There is evidence indicating that the cultivation of opiates has increased significantly in the Andean region. Though the production level of heroin in the Andean region is nowhere near that of Southeast and Southwest Asia, the consistency in purity is still uncertain. The cartels are also developing working relationships with Italian and Asian traditional organized crime factions which are typically associated with heroin trafficking.

This leads to another major concern for drug law enforcement -- the increasing internationalization of heroin trafficking. Many criminal ethnic groups are now involved in heroin trafficking to the United States. The Chinese and other Asian groups still dominate the distribution of Southeast and Southwest Asian heroin, but other ethnic groups, such as Algerians, Pakistanis, Lebanese, Cubans, Dominicans, and Colombians are becoming more established within the United States. Recent developments are showing that for the first time, some of these groups are starting to interact with one another.

The high profit margin associated with marijuana is also leading to increased sophistication in marijuana cultivation and trafficking, particularly within the United States. Recent domestic cases have led to the seizure of large and highly-sophisticated underground marijuana cultivation centers and the discovery of vast interstate and international marijuana trafficking networks. A substantial increase has occurred in the number of violators involved with marijuana that are being prosecuted under the Racketeering Influenced Corrupt Organization (RICO) and the Continuing Criminal Enterprise (CCE) statutes.

| Activity: Drug Law Enforcement | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|-----------|-------|---------------|-------|-------------------|-----------|
| | Pos. | MT | Pos. | MT | Pos. | MT |
| Drug Enforcement Administration..... | 1,039 | 1,026 | 999,275 | 1,098 | 1,041 | \$103,470 |
| | | | | | 59 | 15 |
| | | | | | | \$4,195 |
| An increase of 59 positions (47 agents and 12 clerical positions), 15 workyears and \$4,195,000 is requested for 1993. With this enhancement, DEA can expand its presence in various Core Cities, as well as adding some personnel to its Core Districts. These increased resources are essential if DEA is to continue its efforts in the areas of interdiction and participation in the international drug market. The Office of National Drug Control Policy (ONDCP), the Elgin Strategy, the Heroin Strategy, and DEA's own Internal Strategic Management System program objectives. | | | | | | |
| Law enforcement is now focusing more intensely on complex drug trafficking organizations through the implementation of specific drug strategies. The ONDCP Program is critically involved in the implementation of all these strategies and DEA plays a major role in that involvement. | | | | | | |
| As one of the national funding priorities identified in the National Drug Control Strategy, the Office of National Drug Control Policy (ONDCP) is calling for additional ONDCP personnel and resources for investigations of drug trafficking and for the expansion of resources for money laundering. | | | | | | |

investigations. DEA is committed to this priority as a major participant in the ODETF Program. The Kingpin Strategy, as part of the Andean Initiative, will focus on the hierarchy of the organizations that exercise the greatest control and influence over the production and international trafficking of drugs and to eliminate the power of these Kingpins, ultimately dismantling the organization. The Kingpin Strategy focuses on the identification and targeting of principal figures in major organizations by assessing and attacking their financial underpinnings, and soliciting further coordination from Andean countries. DEA will play a major role in the implementation of the Kingpin Strategy by intensifying its investigative efforts at the highest level of trafficking organizations. ODETF investigations are a principal means for doing this. Such a commitment will require additional ODETF resources.

In early 1990, DEA's Acting Administrator formed Task Force 2000 designed to chart DEA's future role. This task force, consisting of personnel from DEA and the Army-Air Force Center for Low Intensity Conflict, wrote the "DEA Strategic Management System (SMS) and conceived the DEA Strategic Management System (SMS). The SMS is a system of planning, budgeting, strategy, and management activities forming a framework to assist in carrying out responsibilities for drug control. The SMS sets forth an annual cycle of these activities. The SMS provides a coordinating mechanism for all DEA, and other agencies' with those of DEA. This leadership role is manifested by DEA's participation in the ODETF, NIDA, and State and Local Task Force Programs.

DEA is also operating its high-level investigative efforts in heroin cases. DEA's Strategic Management System (SMS) states that DEA will enhance the utilization of ODETF high intensity drug trafficking areas, and State and Local Task Force resources to address the increase in heroin trafficking. The SMS also states that DEA's domestic efforts against heroin will primarily be directed at penetration, disruption, and dismantling of heroin organizations through money laundering operations. The Office of National Drug Control Policy, in conjunction with other Federal Law Enforcement Agencies, developed a National heroin strategy. Based on this strategy, DEA will expand its heroin operations, both domestically and abroad.

The objective of all of these strategies has one common component--the dismantling of drug organizations through the use of money laundering and financial investigations. The drug law enforcement community has realized that the most effective way to destroy major drug organizations is to erode and eventually eliminate their financial capital. The collapse of major drug organizations and the tripling of its ODETF-related seizures in the last two years attest to the success of DEA's involvement in ODETF financial investigative efforts. As DEA establishes its expertise in financial drug investigations, Federal and foreign law enforcement agencies are sharing more financial drug investigations with DEA. In many cooperative financial drug investigations, DEA has taken the lead. However, DEA continues to pursue joint investigations involving the expertise of other agencies, particularly the Internal Revenue Service. DEA officials continuously work with IRS agents and other Federal officials in striving to apply each agency's specialization to the development of solid ODETF financial cases.

A case in point is the recent ODETF international drug/money laundering investigation targeting groups that launder the drug proceeds of the Medellin and Cali cartels from the U.S. to the control of traffickers in Colombia. This investigation, which involves the active participation of officials from the DEA, the IRS, the FBI, and the U.S. Customs Service, was specifically designed to attack the drug money return mechanism upon which the Colombian narcotics traffickers depend.

All agencies involved in this effort have devoted substantial manpower and other resources to stem the flow of drug proceeds in-and-out of the United States. Thus far, two of the targeted money laundering organizations have been identified as primary conduits for proceeds generated by the Cali and Medellin Cartels and vast amounts of assets have been identified and targeted for seizure.

The success of any ODETF investigation is in large part contingent upon the degree of cooperation elicited from participating agencies striving to achieve common objectives. Without the benefit of the expertise and resources afforded by each Federal, State or local participant to an ODETF investigation, the potential for bringing to successful conclusion initiatives that target the financial foundation of major drug trafficking organizations would be significantly diminished.

If DEA is to adequately respond to the call of the various drug strategies as well as enhance its role in cooperative ODETF investigations, additional ODETF resources must be provided. The Special Agents and support positions are critical, not only to DEA's initiatives, but also to maximize the efforts of the ODETF Program in implementing national drug control initiatives.

DEA's request of 62 additional Agents for ODETF investigations represents 33 percent of the total investigative Agent request of 163. Further demonstrating DEA's commitment to the ODETF Program, ODETF investigative work-hours comprised 30 percent of DEA's total in 1990.

The following benefits will result:

- Approval of these resources will enable DEA to implement the Kingpin Strategy, enhance its high-level investigative efforts in heroin cases, meet its coordination role in financial investigations, and to address its own Strategic Management System objectives.
- As a result of a policy change implemented April 2, 1990, DEA has intensified its review of all cases for consideration as ODETF cases. Many cases are being referred either at initiation, or in the early stages of the investigation. A significant increase in ODETF cases has been reported, and the requested enhancement will support this increase.
- Virtually all of the Core City surveys indicate a need for a healthy increase in overall staffing for DEA. A concern for enhanced coverage of non-metropolitan areas was again raised. With this enhancement, DEA can spend its successful ODETF efforts in various Core Cities as well as adding some ODETF personnel to non-core Districts. This will encourage maximum cooperation among Federal, State, and local law enforcement agencies in the prosecution of individuals involved in illegal drug trafficking enterprises and in the identification and seizure of their assets.
- DEA deputations of State and local officers is also of concern. The problem is especially acute in the smaller offices where there are not enough DEA agents to participate in the ODETF investigations proposed by State and local officials. Without federal deputations, significant and worthwhile investigations, especially those which cross State and local jurisdictional lines, are thwarted. This is a major barrier to the development and exploitation of medium-sized and rural jurisdictions.

These agents and support personnel would serve as liaison and support personnel to other federal investigative agencies and personnel cross-designated by DEA District and local officers deputized by DEA. The benefits derived from the addition of these Special Agents with this specific responsibility would be dramatic. By the commitment of only one qualified person in such a role, the ODETF manpower pool available to perform Title 21 investigations would be increased many times.

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--------------------------------------|-----------|-------|-----------|---------------|-------|-----------|-------------------|------|---------|
| | Perm. | Pos. | Amount | Perm. | Pos. | Amount | Perm. | Pos. | Amount |
| Federal Bureau of Investigation..... | 1,044 | 1,044 | \$100,898 | 1,153 | 1,072 | \$106,869 | 109 | 28 | \$5,971 |

An increase of 109 positions (66 agent positions and 43 general support positions), 28 workyears, and \$5,971,000 is requested for the FBI in 1993 for its Regional Action Initiative. This enhancement would provide the major drug trafficking problems within this country is clearly reflected by this ODETF's comprehensive attack against criminal organizations which prey upon society through the manufacture, importation, and distribution of illicit drugs.

In 1991, the FBI utilized 605 workyears or 7 percent over the field funded level of 563 agents in ODETF investigations of major international and domestic drug trafficking organizations. The FBI's 1993 field funded level for the ODETF Program is 674 agent workyears. The FBI's commitment to working jointly and cohesively with other agencies combating the major drug trafficking problems within this country is clearly reflected by this resource commitment. The FBI has dedicated 44 percent of its total drug investigative resources to ODETF investigations during FY 1991.

The FBI has attempted to balance the commitment to the drug trafficking threat in all ODETF regions. Expanding drug investigative resources in the principal drug importation and distribution cities (Level 1 and II cities) has proven to be a most efficient method of cutting the chain of supply to smaller inland and rural areas. Yet, despite the emphasis on the metropolitan areas, the FBI maintains a drug investigative role in attacking regional drug trafficking groups in concert with State and local law enforcement. This is part of the FBI's Regional Action Initiative. The intent of this initiative is to employ the ODETF concept in these areas to identify, investigate and dismantle those trafficking groups that have a significant regional impact.

The FBI is the only federal law enforcement agency with both Title 18 and Title 21 U.S. Code jurisdiction which has an effective and fixed presence in all areas of this country. At this same time, the FBI maintains a constant working relationship with State and local law enforcement officials on a myriad of matters of common investigative interest such as bank robbery, interstate theft, fugitive, and since 1982, drugs.

At the present time, the FBI has field offices and resident agencies located in 432 cities and is the only federal law enforcement agency with such an expansive presence across the United States. This presence, along with the FBI's combined Title 18 and Title 21 U.S. Code investigative jurisdiction, places the FBI in the unique position of employing the task force concept in a manner which most effectively and efficiently addresses the drug trafficking problems throughout the country.

For the Regional Action Initiative, the FBI's 1992 request includes 51 agent positions. In order to more fully address the FBI's ODETF responsibilities concerning these other drug trafficking organizations in the field offices, other than the Level I and II cities, additional agent resources are required in 1993. These resources would ensure the FBI's investigative presence in middle America where additional major drug trafficking problems are prevalent.

The Regional Action Initiative provides resource enhancements to those field offices that have demonstrated that virulent regional organizations are active in their territory and that those groups have a definable nexus to major domestic and/or international drug trafficking organizations.

The requested enhancements would serve two purposes in addressing the drug trafficking in regional areas of the country. The primary aim would be to enable field offices to target and dismantle the drug trafficking organizations and their money laundering apparatuses, and seize their assets. The second objective is to enable those offices to back-track the regional groups to their Level I and II city supplier organizations.

Increased inter-divisional communication, travel and other investigative activity between major cities and smaller cities have generally grown in proportion to the increase in drug trafficking within a region. Concurrent increases in total investigative leads sent from one office to other field offices (auxiliary office leads) have followed a similar pattern. In many instances, this ancillary investigative work has provided the scope, identity, and geographic sphere of control of larger national and international drug trafficking organizations. After-act analysis, conducted as a result of successful regional drug investigations, often provides operational intelligence and always generates timely strategic intelligence of value to the FBI's Level I and II cities. This Regional Action Initiative is designed to enhance the abilities of the FBI's field offices in Level III and IV cities to trace the flow of drugs to the source and also to provide quality, time-sensitive intelligence critical to dismantling major international and domestic drug organizations.

The FBI is presently addressing, through ODETF and non-ODETF Drug Program cases, approximately 40 percent of the major identified drug trafficking groups. As the FBI continues improving and expanding its drug intelligence base, the attack on the upper echelons of the major drug trafficking organizations will be refined and the number of high-level organizations that can be addressed will be increased. Additionally, an improved intelligence base should reveal additional major drug trafficking organizations that are currently unknown and, therefore, unaddressed. Sufficient investigative resources must be available to address the major trafficking enterprises that are involved in the importation and distribution of illegal drugs in the United States.

An increased number of agents also requires a corresponding increase in general support. The requested 66 agent positions require 43 general support positions to perform clerical and secretarial functions, as well as visual investigative analysis and criminal informant management system duties in support of FBI ODETF drug investigations. Critical word processing, file maintenance, evidence control, trial preparation, and other non-investigative administrative functions, must be performed to support investigations. Without proper support, agents are relegated to performing these clerical functions, thereby further aggravating the over utilization problem.

The Following Benefits Will Result:

- o At the present time, the FBI has field offices and resident offices located in 432 cities. It is this presence that places the FBI in a position to maximize the effectiveness of the ODETF model. The increased resources for non-level I and II district areas will help alleviate the concerns expressed in this year's Core City Surveys regarding insufficient coverage in other than major drug distribution centers.
- o The commitment of resources in the Regional Action Initiative also directly adds additional agent resources to addressing the major drug trafficking groups.
- o With implementation of the Regional Drug Intelligence Squads concept and the receipt of additional resources for the FBI in its ODETF and non-ODETF Drug Programs, the FBI will be able to identify additional organizations; prioritize and define the level of the existing identified organizations; and target for investigation those most significant groups in accordance with the FBI's National Drug Strategy, thereby resulting in their disruption and dismantlement. The additional resources for 1993 will assist in this objective.

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|-----------|-------|---------------|-------|-------------------|-------|
| | Pos. | Amoun | Pos. | Amoun | Pos. | Amoun |

| | | | | | | |
|--|-----|-----|-----|-----|----|---|
| | 121 | 121 | 143 | 127 | 22 | 6 |
|--|-----|-----|-----|-----|----|---|

Immigration and Naturalization Service.. 121 121 \$11,019 143 127 \$12,345 22 6 91,326

An increase of 22 agent positions, 6 workyears and \$1,326,000 is requested for IIS for 1993. The IIS ODETF Program requests the funded positions to address overburn which exists at the current level of Task Force participation. The requested funding would be utilized to fill positions at offices where substantial workyear overburn currently exists due to the assignment of non-ODETF agents to ODETF casework.

As the investigative arm of the Immigration and Naturalization Service, the Investigations Division is responsible for all IIS investigative enforcement efforts. In addition to the deterring, and detecting of violations of criminal and administrative provisions of the Immigration and Nationality Act (INA), and other federal and state laws, enforcement activities include the identification, investigation, and apprehension of aliens involved or associated with illicit narcotic trafficking.

Congress, cognizant of the extensive involvement of aliens in the criminal drug trade enacted legislation that required the IIS to place a greater emphasis on the investigation of criminal alien narcotic organizations. IIS's role in ODETF investigations is to target criminal alien narcotic organizations, individual alien drug offenders and aliens convicted of aggravated felonies or other violent crimes associated with illicit narcotic activities. These criminal investigations often require subpoenas, search warrants, and extensive use of technical monitoring equipment in protected undercover operations to gain evidence required to sustain a successful criminal narcotics prosecution. The main function of the IIS Investigation Division's ODETF personnel is to identify, investigate, and assist in the prosecution of members of high-level drug trafficking and related enterprises who are foreign nationals or aliens illegally in the United States resulting in the dismantling of those organizations.

Traditionally, IIS anti-drug investigative efforts focus on Colombian, Mexican, and Asian involvement in the illegal drug trade. Of primary concern to the IIS is the rapid increase in the number of violent Asian youth gangs operating throughout the country. The transfer of Hong Kong to the People's Republic of China in 1997 will result in the establishment of large refugee and immigrant communities. These communities provide an excellent pool of potential gang members to be recruited by the domestic Asian organized crime groups now preying on the innocent members of their ethnic communities. IIS is currently conducting extensive investigations of these groups and their operations. IIS is also conducting an ongoing investigation of the Asian Organized Crime groups. IIS, together with INS and other participating agencies under the umbrella of the ODETF Program has been continually involved in the disruption and dismantling of these notorious and violent criminal groups more commonly known as "peasas."

The dramatic increase in alien involvement in the importation and distribution of illicit drugs in the United States confirms the need for IIS participation in the ODETF Task Force. The unique statutory authority of the IIS, combined with the experience IIS special agents possess in dealing with various ethnic groups remains a significant contribution to the Task Force goals. The authority of IIS to arrest and remove alien criminals from the United States brings a substantial weapon to the combined effort against drug trafficking in the United States. Enhanced penalties for the re-entry of deported aggravated felons will assist the anti-drug effort by establishing a deterrent to criminal aliens who heretofore illegally re-entered the United States with impunity due in part to lack of an adequate penalty for Title 8 USC 1326 violations.

IIS Special Agents are actively involved in 485 preliminary and formal ODETF investigations. The IIS has focused much of its investigative efforts toward dismantling Jamaican peases throughout the United States during the past two years. Although the IIS will continue efforts to identify and dismantle Jamaican peases, its investigative focus has broadened substantially during the past year. The initiation of the ODETF Pilot Project Offices in the IDH cities has led to an increase in IIS efforts to assist in the seizure of drug currency generated from alien drug trafficking operations. IIS has been successful in identifying and dismantling distribution rings throughout the United States and their members. IIS has been successful in identifying and dismantling a broadening of its investigative targets. In addition, IIS Special Agents are actively involved in Asian Organized Crime investigations throughout the United States.

The IIS Investigations Program has a substantial historical and previously unreported workyear overburn which must be addressed in the face of the Division's multiple priorities under the Immigration and Nationality Act (INA). IIS ODETF resource allocations are somewhat unique throughout the Department of Justice agencies in that positions were created solely dedicated to ODETF casework. Prior to establishment of the ODETF Consolidated Appropriation in 1990, IIS had staffed 100 agent positions for support of the ODETF effort. The IIS ODETF Program was funded from direct appropriation funds for the fiscal years 1987-1989.

The funding provided in the 1990 Consolidated Submission did not fully cover the 100 positions and related support costs that were dedicated to the ODETF Program beginning in 1987. As a result of the Anti-Drug Abuse Act of 1988, the IAS was mandated to establish an ODETF Pilot Project. Although no funding to establish the Pilot Project was provided in the Anti-Drug Abuse Act of 1988, the Pilot Project was initiated mid-way through 1990; however, no positions were filled until 1991. During 1991 the IAS established four ODETF Pilot Project Offices to bolster participation in ODETF. These offices are located in the High Intensity Drug Trafficking Areas (HIDTA) designated cities, of Houston, Los Angeles, Miami, and New York City. The investigative forces at these locations will not only increase the IAS ODETF resources at these locations, but will increase both productivity and assistance to other Task Force agencies. The ODETF Pilot Project Offices will coordinate the Service's Witness Security Program and will have the capability to issue Employment Authorization Documents for informants and CP's as needed during the course of Task Force investigations. Increases provided for the IAS in the 1991 ODETF Consolidated Budget offset only a portion of the Pilot Project costs which included salaries; space rental costs; radio equipment; furniture; basic office equipment; supplies, etc.

Receipt of the requested increase will alleviate the current overrun. The overrun exists in three areas: positions/agents charged to ODETF in excess of the available funding; agents working ODETF cases but not actually part of the ODETF Program; and uncharged support personnel.

During 1991 the IAS was requested to participate in 189 Task Force cases (including ongoing and newly initiated cases) for which no investigative resources were available. IAS was forced to decline to participate in any of these cases due to resource constraints. The following is a list by Task Force Region of cases where IAS was unable to participate:

| | |
|--------------------------|-----|
| Florida Caribbean..... | 37 |
| Gulf Coast..... | 16 |
| Great Lakes..... | 24 |
| Los Angeles/Nevada..... | 10 |
| Mid-Atlantic..... | 17 |
| Mountain States..... | 12 |
| New England..... | 2 |
| New York/New Jersey..... | 9 |
| North Central..... | 5 |
| Northwest..... | 8 |
| South Central..... | 5 |
| Southeast..... | 12 |
| Southwest..... | 29 |
| Total..... | 189 |

In the event that IAS does not receive favorable action on this request, the Executive Office for ODETF has been advised that reduced IAS participation in ODETF casework will result. This will occur because IAS has a diverse mission with multiple and often competing priorities. Investigative resources are inadequate to maintain the current level of non-reimbursed participation in the ODETF Program, given present priorities.

The following benefits will result:

- o The IAS ODETF mission is to bring its unique statutory authority and expertise in ethnic investigations to bear against aliens involved in the importation and distribution of illicit drugs. The United States' law enforcement efforts have focused on Latin American, Caribbean, Jamaican, and Mexican agents involved in criminal activity have provided that target list to include Dominicans, Haitians, and Nigerians. IAS has become a key participant in the ODETF Program, utilizing both a knowledge of various ethnic groups, and an established informant base to assist Task Force goals of identifying, prosecuting, and dismantling criminal organizations. The statutory authority of the IAS to arrest and remove certain aliens from the United States is unique to law enforcement in the United States. IAS is the only enforcement agency with the authority to expel, through deportation proceedings, certain criminal aliens. The enhanced criminal sentencing guidelines, with respect to re-entry after deportation of aggravated felons, provides the IAS with a new weapon to bring to bear against dangerous alien criminals.
- o IAS investigations has initiated efforts to expand its contributions to the overall anti-drug effort through establishment of Employment Authorization Document (EAD) issuing equipment at three of the four ODETF Pilot Project cities. This equipment will allow the IAS to provide needed employment authorization documents to Task Force informants, and will facilitate the initiation of highly successful sting operations.

- o The additional positions requested will be disbursed throughout the United States based upon the current level of overburn and anticipated need for resources. These positions are essential to maintaining the level and quality of participation that the ODETF Program has come to depend on from IRS.

| | 1993 Data | | | 1993 Estimate | | | Increase/Decrease | | |
|--|-----------|----|--------|---------------|----|--------|-------------------|----|--------|
| | Perf. | WT | Amount | Perf. | WT | Amount | Perf. | WT | Amount |

U.S. Customs Service..... 356 356 \$29,220 375 361 \$30,246 19 5 \$1,026

An increase of 19 positions (15 agents and 4 support), 5 workyears and \$1,026,000 is requested for the U.S. Customs Service in 1993. This includes \$244,000 for Special Operations and Undercover Operations funding.

In response to Department of Justice initiatives, and the National Drug Control Strategy, Customs has increased the number of drug smuggling and money laundering investigations worked through the multi-agency coordination mechanism provided by the ODETF Program. Department of Justice mandates, and current agreements between DEA and Customs require that Customs drug and money laundering investigations be coordinated with the Department of Justice Agencies. To meet these requirements ODETF resources are necessary.

In fact, Customs ODETF caseload and the resulting workyears have steadily increased since 1990 to the point that current funding levels are not adequate.

In April 1990, Customs Enforcement field offices were carrying \$17 ODETF investigations. One-half were drug related money laundering investigations and the other half were drug smuggling investigations. One year later, on April 1, 1991, the workload had increased to a total 762 ODETF investigations. The increased workload can be attributed to the following major factors:

1. Customs coordinators and Headquarters management continue to stress the importance of coordination of its efforts with other law enforcement agencies through the ODETF Program. This includes early submission of Customs investigations to the Task Force;
2. The Customs/DEA Cross-Designation Agreement implemented in March 1990 has resulted in 1,200 (plus) Customs agents receiving Title 21 investigative authority from the DEA. As expected, many of the investigations conducted by the cross-designated Customs agents were developed to ODETF standards, which require additional ODETF workyears to carry the investigations to conclusion;
3. The Consolidated Budget process which began in October 1989 has resulted in more Customs investigations being referred to the Program. Customs field managers have responded to Headquarters policy of early submission of investigations to obtain reimbursement for workyears and investigative costs. This process is continuing in 1992 and is resulting in better coordinated investigations with other participating agencies; and the
4. Customs Financial Investigations Program is continuing to benefit from anti-money laundering initiatives with its foreign counterparts that began with Operation C-Base. The unprecedented cooperation now existing with Customs foreign counterparts is generating increased numbers of international money laundering investigations. Most of these international financial investigations are being referred to the ODETF Program resulting in increased caseload.

The above cited workload levels are expected to increase in 1992 and 1993. One additional factor must be considered. Future High Intensity Drug Trafficking Area (HIDTA) initiatives will result in more referrals of Customs initiated investigations to the ODETF Task Force. HIDTA generated ODETF investigations sponsored by other agencies will also increase Customs ODETF caseload. The requested staffing increase will allow Customs to participate in more ODETF investigations sponsored by DEA, FBI, IRS and other agencies from HIDTA work. The above cited workload increases have placed Customs in a position that no more ODETF investigative activity can be performed without increased resources.

The Following Benefits will Result:

- o This level of funding would allow Customs to continue many of its long term investigative operations that are either currently on-going or planned for 1993 implementation. Without the requested enhancement, many of these investigations would not be funded in 1993.

- Key anti-smuggling and international money laundering investigations that are expected to be generated by Customs border interdiction initiatives such as Operation North Star and Operation Site will be funded. The ODETF quality investigations generated by these and other border initiatives (such as Operation Alliance) will need to be followed to conclusion in 1993.
- Customs 1992 international money laundering strategy is to expand the current operation PABO/First Step concept to Spain, France, Luxembourg, Canada, and other countries. When implemented, the number of Customs money laundering investigations are expected to increase. With this increase is the concurrent need for ODETF funds to conduct these complex, long term, and unusually expensive investigations with ODETF workyears.
- The anticipated increase in ODETF workload in 1993 would add to an already existing "overburn" in the ODETF Program. Diversion of funds for ODETF investigations from the Customs direct appropriation would not be available since Customs 1992 investigations program is at approximately the 1991 level.
 - Without additional ODETF funds, Customs agents would not be able to travel to conduct investigations on new cases or continue current special operations and undercover operations. Funding for Title III intercepts would be drastically reduced. In many cases, Title III intercepts are the only means to dismantle major drug trafficking organizations and money laundering groups. Compensation to confidential informants would also be significantly reduced.
 - The cumulative impact would be less ODETF investigations with the resulting loss of millions of dollars in seizures of merchandise and currency, less penalties assessed, less fines recovered, fewer arrests and convictions of major violators.

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|--|-----------|-----|----------|---------------|-----|----------|-------------------|----|--------|
| | Perm. | VI | Amount | Perm. | VI | Amount | Perm. | VI | Amount |
| Bureau of Alcohol, Tobacco and Firearms..... | 137 | 130 | \$10,675 | 147 | 132 | \$11,375 | 10 | 2 | \$700 |

An increase of 10 positions (9 agents and 1 support), 2 workyears and \$700,000 is requested for 1993 to support the Bureau of Alcohol, Tobacco and Firearms' efforts within ODETF. As a result of the on-going street gang problem, the overall increase in narcotics-related violence, and the increase in narcotics-related firearms investigations, additional staffing is warranted for BAF in 1993. The street gangs continue to spread from the inner-city neighborhoods to suburban areas where law enforcement resources are limited. While the BAF has had a significant impact on Jamaican posse activity in selected cities throughout the United States, large numbers of posers are still criminally active and responsible for the importation and distribution of sizable amounts of illegal narcotics.

The following benefits will result:

- The granting of the request for 10 positions and \$700,000 will permit BAF to more effectively assist the ODETF Program in its endeavors to thwart criminal narcotics enterprises and violent groups. A significant portion of these positions would be located in the designated "high intensity drug trafficking areas."
- Through BAF's 13 ODETF Coordinators, mutual enforcement interests are constantly monitored and furthered. BAF special agents who are dedicated to the ODETF Program routinely work with other Federal, State, and local law enforcement agencies such as the DEA, FBI, U.S. Customs, IRS, IRS, U.S. Marshall's Service etc., as well as members of the U.S. Attorneys' Office.

- o It is projected with these additional resources, BAFI would initiate an additional 21 investigations and recommend 5 suspects for prosecution in 1993.

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|-------------------------------|------------|-----|----------|---------------|-----|----------|-------------------|---------|
| | Perm. Pos. | VI | Amount | Perm. Pos. | VI | Amount | Pos. | VI |
| Internal Revenue Service..... | 472 | 455 | \$38,673 | 536 | 471 | \$41,717 | 64 | 16 |
| | | | | | | | | \$3,044 |

An increase of 64 positions (46 agents and 18 support), 16 workyears and \$3,044,000 is requested for IRS in 1993.

The mission of the Internal Revenue Service is to foster compliance with the laws under its purview through the effective enforcement of tax and currency-related statutes. A significant portion of this enforcement activity is applied to narcotics related investigations, especially those within the Organized Crime Drug Enforcement Task Force (OCDETF) Program. Within the OCDETF Program, the Internal Revenue Service is an integral part of the task force due to the agency's wide statutory authority and its expertise in financial investigations. Through its investigation of violations of the tax laws under Title 26, the Internal Revenue Service has provided a clearly defined, non-overlapping statutory basis to assist in the successful prosecution of drug traffickers. The Internal Revenue Service has provided the task force with the necessary authority of the Internal Revenue Service to investigate violations of tax laws under the provisions of Title 26 and Title 18, which allows the Internal Revenue Service to investigate investigations and asset seizure and forfeiture actions. The IRS has been an active participant in the OCDETF Program from the beginning. The IRS has participated in nearly 70 percent of all OCDETF investigations initiated, which is second only to DEA.

The Internal Revenue Service has successfully utilized the expertise of its enforcement personnel in financial investigations to dismantle major illegal narcotics and money laundering organizations. Special agents of Criminal Investigation (CI) work closely with other participants in task force cases. As an in-depth financial analysis progresses, the actual structure of an organization is disclosed, which may differ greatly from the drug distribution network. Financial transactions may also establish conspiratorial relationships and may verify the movement of monies, drugs, and assets. This information is beneficial to other participating agencies as it frequently provides the basis for additional charges, the identification of new targets, and the identification of previously hidden assets which become subject to seizure of forfeiture.

The Internal Revenue Service also supports other law enforcement agencies in their task force investigations and in non-OCDETF investigations which frequently lead to money laundering or drug-related charges. The Drug Enforcement Administration, the Federal Bureau of Investigation, the Department of Justice prosecutors, and State and local law enforcement agencies frequently call upon the services of the Internal Revenue Service to assist in the financial aspects of complex investigations. Prior to an approved case initiation, this assistance enables the investigative agency to identify and target the assets of the organization. The department of justice, through the OCDETF, has an approved status to identify investigation assistance by Criminal Investigation significantly increases the success and impact of the narcotics-related investigations of other enforcement agencies, even though no charges under statutory purview of the Internal Revenue Service are made.

The Internal Revenue Service is a major partner with the Drug Enforcement Administration in the implementation of the near-term goal of the Andean Strategy of February, 1990 - understanding and dismantling the money laundering operations of major international narcotics traffickers. In this initiative, the Internal Revenue Service participates in every Program/Operation involving domestic money laundering. In addition to its contribution in domestic enforcement, the skills of the Internal Revenue Service have been utilized to provide a critically important understanding of international narcotic networks.

The commitment of the IRS to reduce illegal narcotics and money laundering activity has resulted in the reallocation of resources to narcotics related enforcement. The IRS has committed resources to narcotics-related enforcement which far exceeded the agency's authorized staffing for the OCDETF Program. These resources were reallocated from other programs, such as the Abusive Compliance Crimes and White Collar Crimes Programs. This commitment has resulted in substantial, unfunded "overburn" to support the OCDETF Program. The IRS reported for 1990 that it dedicated an additional 536 agent workyears and \$28.7 million over the 1990 funded budget.

The National Drug Control Strategy emphasizes the critical role that money laundering/financial investigations contribute to the ultimate destruction of drug trafficking organizations and their illegal activities. The Administration's money laundering strategy seeks to attain three primary goals: 1) the prosecution and incarceration of money launderers and the leaders and members of drug trafficking organizations; 2) the freezing, seizure, or confiscation of criminally derived assets; and 3) the deterrence of individuals or institutions from co-operating with money launderers or their clients through the enforcement of existing laws and regulations, the enactment or strengthening of laws and regulations where needed, and the

certainity of sanctions in the event of noncompliance. The Strategy highlights the need for additional resources in this area. The additional 46 investigators requested will perform money laundering investigations and financial investigations in support of the ODETF Program. Analysis of financial transactions has been found to be an effective means of identifying illegal profits earned by drug traffickers both domestically and internationally. This increase will provide the expertise of 185 special agents in tracing and documenting financial receipts related to the sale, movement and importation of illegal drugs.

The related 18 support positions are required to provide critical assistance to the investigative personnel. The performance of these duties by support personnel enables Criminal Investigation (CI) to participate in an increased number of financial/money laundering investigations, participate in more seizure/forfeiture actions, and more effectively enforce money laundering statutes and currency laws.

Additionally, the requested support also includes Criminal Investigation personnel, not located in field offices, but who provide direct support to specific task force investigations. These support positions include the Criminal Investigation Forensic Laboratory and the Trial Illustration Section. The CI Forensic Laboratory in Chicago, Illinois is one of the foremost forensic labs in the United States. The lab provides complete forensic services including the examination and identification of hand prepared entries, business machines, printing processes, document alteration, ink and paper. The lab may also perform the examination of fingerprint impressions, polygraph examinations, electronic audio enhancement, and photographic processing. CI examiners prepare reports of their observations and findings. The conviction rate in cases where laboratory personnel are called to testify is approximately 99.9 percent. The laboratory personnel and facilities are frequently used to support ODETF investigations.

The Trial Illustration Section also provides direct support to Task Force investigations; it is comprised of an elite group of graphic artists who have successfully introduced a new dimension in the presentation of evidence during criminal trials through the use of visual aids. Located in Cincinnati, Ohio, this section is the only one of its kind found in any law enforcement agency nationwide. The use of visual aids has been effectively used to simplify the presentation of complex financial information into an understandable format that is easily understood by trial jurors and judges. The visual aids prepared by the illustrators for use in the courtroom consists of handouts, overhead transparencies, and larger-than-life charts; they include flow diagrams with multiple overlays, videotaped overt act charts, bar and pie graphs, conspiracy wheels, tax computations, link analysis, organizational structures, and maps. The Trial Illustration Section has also assisted the FBI, the DEA, the Department of Labor, the U.S. Customs Service, and numerous State and local law enforcement agencies in depicting evidence for criminal prosecution through the use of visual aids. In cases where these visual aids have been used during trial, a conviction rate of approximately 97 percent has been obtained.

The related support workyears include but are not limited to, secretaries, clerical support, program assistants and/or specialists, management analysts, and intelligence analysts. These workyears are required to assist the Criminal Investigation Section in the same manner as these positions exist throughout the Agency. During the last decade, the Criminal Investigation Section has averaged a 2 to 1 ratio of investigators to support positions. During 1990, Criminal Investigation realized 2,633 agent workyears and 1,391 support workyears, exclusive of indirect non-Criminal Investigation support.

Complete financial investigations of major narcotics/money laundering targets and their organizations are labor intensive; support personnel are critical for the successful completion of these complex financial/money laundering investigations. Even in a non-complex investigation, thousands of documents/transactions may be gathered, categorized, analyzed, and prepared as exhibits for use in case presentation or trial. The testimony of individuals/witnesses to introduce these documents and provide relevant facts relative to each transaction must also be obtained and analyzed. These investigative efforts are multiplied several times over in complex investigations.

An investigative group in Criminal Investigation may consist of eight to twelve special agents, a group secretary, a clerk-typist, and one or two fraud investigation aides (FRIA). Additionally, other clerical and administrative personnel located in the same field office provide direct support to maintain and service support equipment, maintain records and files, and timely prepare, process, and approve ODETF-related case reports. Each member of this support personnel provides an essential function required for the completion of any task force investigation in which its participants.

This support often performs less complex duties required in an investigation which ensures the effective utilization of agent staff time. As an example, a FRIA may perform financial research; gather records; microfilm documents and preserve records; create and maintain financial transaction or other data; create schedules and appendices; analyze intelligence or information; assist as a witness in interviews; assist in the execution of warrants; inventory seized assets; prepare exhibits and witness briefs; assist at trial; and maintain ODETF-related investigative equipment.

The following benefits will result:

The IRS will be able to increase its participation in the ODEIF Program and its assistance in financial task force investigations and in multi-jurisdictional task forces. The requested increase will allow the IRS to:

- Increase the percentage of participation by the IRS in ODEIF investigations.
- Participate in an increased number of money laundering investigations.
- Increase the number of estimated investigations, prosecutions, and convictions of individuals who organize, direct, and finance narcotics trafficking and money laundering organizations.
- Improve compliance with the Bank Secrecy Act, to include expanded enforcement efforts relative to non-bank financial institutions, such as currency exchanges and transmitters of funds.
- Increase the number and amount of narcotics related seizure and forfeiture actions.
- Equip enforcement personnel assigned to the Task Forces with modern vehicles and state of the art communication systems, computer equipment, weapons, and other investigative equipment.

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|--|------------|-----|---------------|----|-------------------|-------|
| | Perm. Pos. | WT | Perm. Pos. | WT | Perm. Pos. | WT |
| Financial Crimes Enforcement Network.... | ... | ... | 14 | 4 | 14 | 4 |
| | | | | | \$495 | \$495 |

A request of 14 positions, (1 attorney and 13 support), 4 workyears and \$495,000 is requested for FINCEN for 1993. The request will provide FINCEN with a core staff element dedicated to ODEIF investigations.

In support of the Organized Crime Drug Enforcement Task Force (OCDETF) mission, FINCEN will provide multi-source, multi-discipline, multi-agency financial intelligence analysis to target and destroy major narcotic trafficking and money laundering organizations.

Major objectives include the following:

- To gather strategic information and project future emerging trends and patterns in money laundering, and to disseminate that information to the ODE Task Forces;
- To augment strategic intelligence capabilities and overall drug intelligence capabilities in accordance with the President's National Drug Control Strategy by collecting, analyzing, and disseminating financial information in order to identify the laundering of criminal profits; and
- To provide ODETF in international and domestic geographical areas: financial institution, and individual targets and intelligence support for investigation concentration; and respond to requests for immediate tactical assistance to field operations.

An ODETF/FINCEN Pilot Program has been initiated to test FINCEN's multi-source intelligence and analytical capabilities in assisting in the investigation and prosecution of money laundering and other financial crimes. Three ODE Task Forces, Mid-Atlantic, Southeast, and Southwest, have been participating in the Pilot Program. The resources to support the Pilot Program are provided by FINCEN on a non-reimbursable basis.

FINCEN is presently assisting Operation Borterton, a multi-agency investigative task force concentration on drug money laundering in southern Arizona. FINCEN analysts will provide support for the length of the operation, including analysis, investigation, action and judicial phases. FINCEN is analyzing raw financial data provided by Borterton to identify potential targets, develop background and currency trend information, assist in identifying assets, and help develop an anti-money laundering strategy for southern Arizona.

FINCEN has contributed support to 13 cases and anticipates that requests for ODETF assistance will increase dramatically as formal agreement with ODETF is ratified with all 13 regions.

While formal workload measures are currently being developed, it is clear that FINCEN has achieved significant operational success. The FINCEN/ODETF Pilot Program has contributed to the seizure of 23 kilos of cocaine, \$100,000, an operating business, and commercial property, and six arrests in one case alone.

More than a score of drug-related investigations have been opened by the Customs Service, among others, based on information developed or enhanced by FINCEN. Overall, from January 1990 to June 1991, FINCEN initiated in-depth case analyses in 411 cases directly related to narcotics investigations and 188 cases that were classified as not directly related to narcotics investigations. During the same period, FINCEN produced 281 written intelligence reports relating to these case analyses.

FINCEN assists the enforcement operations of the investigative agencies. FINCEN's work usually involves intelligence analyses in support of long-term investigations of narcotics money laundering and other financial crimes. These analyses are often performed at the early stages of investigations, a time at which FINCEN's link analysis techniques can be uniquely useful in helping to shape the direction of the investigations.

In addition, FINCEN's Operations Center supports ODETF cases and projects by providing rapid response tactical support for ongoing field operations. The Operations Center produces oral and written work products derived from on-line access and exploitation of data from available law enforcement, financial, and commercial information systems. During 1991, FINCEN's Operations Center responded to over 3,500 requests for assistance for field investigations by various Federal, State, and local agencies. The Operations Center, by virtue of its access to a broad range of commercial information systems, has provided assistance in the area of asset identification and location for the purpose of asset forfeiture actions. An ongoing effort to enhance asset identification services should produce significant dividends.

FINCEN's assistance to ODETF can best be accomplished with full-time dedicated ODETF FINCEN staff. With approximately 3,500 investigations since 1982, ODETF's success can be enhanced by FINCEN contributions and can be expected to result in increased indictments and seized cash and property.

This requested increase includes 5 GS-12 intelligence research specialists, 2 GS-13 intelligence research specialists, 3 GS-13 computer specialists, 3 GS-7 critical support specialists, and 1 GS-14 attorney. The staff positions would enable FINCEN to provide tactical support to ODETF in the identification of individual targets as well as complex financial mechanisms that maintain drug-related money laundering activity in up to 100 nations.

The following benefits will result:

- o The request will enable FINCEN to provide balanced tactical support to ODETF. The proposed funding increase will enable FINCEN to provide a greater degree of coordination on ODETF investigations and more extensive analysis of emerging trends in international money laundering and threat assessments.
- o The 1993 goals in support of ODETF will include developing profiles of money laundering organizations and individuals; predicting the impact of new foreign threats and cataloging all known methods and means employed by money launderers into an automated/computerized database; developing and maintaining multiple complex, integrated information systems; and developing expertise in identifying wire transfers by organizations deriving income from illicit activity.
- o FINCEN will provide a threat assessment of drug-related foreign money laundering activity (the analysis will identify key players, modes of operation, and spillage into new geographic areas).
- o FINCEN is ideally prepared to coordinate and analyze cross- and trans-national investigations or financial information under independent investigation by law enforcement agencies in relative geographic or functional isolation. Use of FINCEN by ODETF participants is expected to expand substantially following the Pilot Program, especially as FINCEN gains access to more law enforcement, financial, and commercial databases.

| Activity: Prosecutions | 1992 Appropriation | | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|------------------------|--------------------|---------|--------------|---------|---------------|---------|-------------------|--------|
| | Per- Pct. | Amount | Per- Pct. | Amount | Per- Pct. | Amount | Per- Pct. | Amount |
| U.S. Attorneys..... | 953 | 974,092 | 953 | 938,009 | 1,044 | 941,407 | 90 | 23 |
| Criminal Division..... | 6 | 723 | 6 | 742 | 6 | 742 | ... | ... |
| Tax Division..... | 6 | 723 | 6 | 742 | 6 | 742 | ... | ... |
| Total..... | 953 | 974,092 | 953 | 938,009 | 1,044 | 941,407 | 90 | 23 |

This funding is used to reimburse the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts towards ODE Task Force cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

Each of the 13 regional ODE Task Forces is coordinated by a senior U.S. Attorney. The thrust of the ODE Task Force prosecution activity is to encourage the maximum level of cooperation at the district level by marshaling the efforts of Federal, State and local prosecutors in these organized crime drug trafficking cases.

Long-Range Goal: To reduce the incidence of organized criminal involvement in all aspects of illicit drug activity in the United States through the prosecution of members of high-level drug trafficking enterprises.

Major Objectives:

To prosecute individuals who organize, direct, finance or are otherwise engaged in high-level illegal drug trafficking enterprises, including large scale money laundering organizations.

To promote a coordinated drug enforcement effort in each ODE Task Force, and to encourage maximum cooperation among all drug enforcement agencies.

To work fully and effectively with State and local drug enforcement agencies.

To make use of financial investigative techniques, including tax law enforcement and forfeiture actions, to make possible seizure of assets and profits derived from high-level drug trafficking cartels.

Base Program Description:

1. The United States Attorneys.

Prosecution in each of the thirteen ODE Task Forces is conducted by attorneys and support staff coordinated by District U.S. Attorneys and a Core City U.S. Attorney who is accountable to the Deputy Attorney General on matters pertaining to conduct of the Task Force. The thrust of the ODE Task Force Prosecution Program is to encourage the maximum level of cooperation at the district, regional, national, and international levels by having the non-core District U.S. Attorneys and the Core City U.S. Attorney coordinate the activities of the agencies participating in the Program.

The ODE Task Force Program implements a major Administration initiative to combat organized crime and drug trafficking. The Program is based on a high degree of cooperation and coordination among Federal, State and local law enforcement and prosecution agencies. The thirteen regions identify, investigate and prosecute members of high-level drug trafficking enterprises to dismantle those organizations. The size and nature of the investigative techniques requires continuing and intensive participation by Assistant U.S. Attorneys in the development of investigative strategy and in the provision of continuing counsel to ensure that the evidence growing out of investigations will be complete, conclusive, proper and admissible.

Task Force prosecutions benefit from the Program's broad, thorough and careful approaches. The Guidelines lay down distinctive principles for Task Force prosecutions including:

- an increased emphasis on forfeitures, either in civil actions or under the criminal forfeiture provisions of the law;
- the use of any of a wide range of statutes, not just drug statutes, to put drug trafficking organizations out of business; and
- a concerted coordination of prosecutorial activities among various jurisdictions in order to achieve maximum impact on entire organizations.

When a grand jury returns an indictment or an information is filed, the case moves from the Investigative to the prosecutorial phase. The prosecution of an ODE Task Force case is qualitatively different from that of any other drug prosecution. The continual involvement of a Task Force AUSA during the investigation results in the construction of a stronger case. Prosecuting attorneys are provided with the information necessary to be familiar with all aspects of the case thereby enabling them to develop a better prosecution strategy.

The AUSA working with agents with a wide range of areas of expertise, ensures that specific statutory violations are appropriately documented and charged. This coordination of effort also results in a strategy that times the prosecution of cases to provide not just the prosecution of individual defendants, but maximum disruption of the drug trafficking organizations involved.

The Task Force emphasis on collaboration with State and local law enforcement agencies and on the cross-designation of attorneys affords a greater choice of avenues in which a case may be brought to trial. With the option of taking a case to a federal or a state court, the prosecutors can take best advantage of the available statutory relief afforded by the two systems. Where a State's penalties for criminal possession of small amounts of drugs are more severe than the federal penalties, prosecutors can bring the case to the jurisdiction with the more punitive statutes.

One of the cornerstone principles of the ODETF Program is early attorney involvement in the development of case strategy. The Task Force Program affords prosecutors the time they need to participate in the development of this strategy and to provide the necessary legal services and consultation investigators require. They are not expected to rush cases to completion, but rather to move deliberately toward successful and complete convictions. While Task Force attorneys carry a caseload of fewer cases, theirs are typically more intricate and long-term than those of their non-Task Force counterparts.

A second strength is the development of skills by ODE Task Force attorneys who are dedicated full-time to complex ODETF matters. For investigators and attorneys alike, the use of electronic surveillance or the mounting of undercover operations are especially unique and time-consuming since they require extensive and complex legal paperwork. A wiretap, for example, requires a detailed application for initial approval and repeated affidavits for renewal. The preparation of the necessary documents has become a virtual art form, and the Task Forces have proved equal to the challenge. The number of attorneys experienced in handling these matters has increased, a significant development in an area where maintaining investigative momentum is crucial. Another feature cited by attorneys themselves is the increase in their knowledge of matters relating to narcotics dealing. The courts now recognize them for their greater acumen in interpreting the narcotics environment. When applying for warrants for wiretaps, searches, or arrests, they can now more authoritatively articulate the information contained in the supportive affidavits of the investigative agencies; for example, the probability of finding narcotics ledgers or financial books and records that will show the fruits of drug trafficking, even in locations where drugs themselves are not likely to be found. Similarly, they can better represent drug dealers' cryptic conversations in support of applications for extensions of ongoing court-authorized electronic surveillance or for new supplementary surveillance. The development of such expertise in offices of the U.S. Attorneys is primarily attributable to the close working relationship among ODETF Attorneys and experts from the investigative agencies under the aegis of the ODETF Program.

2. Criminal Division.

The ODE Task Force initiative against organized drug traffickers has increased the demands on the Criminal Division to provide certain types of prosecutorial assistance and to participate directly in the development of particular cases. For example, many ODE Task Force investigations depend upon electronic surveillance to obtain evidence on the activities of wrongdoers. By law (28 USC 2516), all electronic surveillance must be authorized by the Attorney General or a designated Assistant Attorney General. Before authorization, each application is reviewed by Criminal Division personnel, and a recommendation is made to the Assistant Attorney General. Then, following authorization of either a wiretap or the wireless interception of communications, reports must be collected and reviewed on the fruits of the surveillance. In addition to

employing electronic surveillance techniques, many ODE Task Force prosecutions rely on witnesses whose personal safety is endangered by criminal elements. A prosecutor seeking to arrange for the protection of a witness, e.g., by providing guards, by relocating the witness out of the danger area, by securing a new identity for the witness, etc., must submit a request to the Criminal Division for review as to the qualification of the witness for the Program and a determination as to the level of protection to be afforded to the witness.

3. Tax Division.

The Tax Division provides nationwide review and coordination of all tax charges in ODE cases. An experienced Tax Division attorney is assigned as a liaison official to each of the 13 ODE task forces. These attorneys work closely with each Core City Area and IRS coordinator and the AUSA and IRS Special Agents in the investigation of tax crimes. They provide the local task forces with advice, guidance and expertise in developing and handling the tax investigations. They also provide litigation support.

Specifically their responsibilities include:

- a) meeting periodically with the Core City coordinators and IRS Agents;
- b) having knowledge of the inventory of tax investigations, their nature and scope;
- c) monitoring the progress of all tax investigations;
- d) providing consultative assistance and direction whenever needed;
- e) reviewing expeditiously all recommendations for prosecution of tax charges, whether by indictment or plea, and
- f) conducting grand jury investigations and prosecutions of drug traffickers, as needed.

In addition to assisting in individual case development, Tax Division liaison attorneys participate in training new Assistant United States Attorneys and Task Force Investigators in tax matters. They attend conferences in each region and participate in panel discussions on narcotics/tax prosecutions. The liaison attorneys communicate frequently with regional IRS coordinators to keep abreast of new developments which might be of particular importance not only to the Tax Division but to other drug task force components. The Tax Division has also maintained a clearinghouse of legal and investigative materials and information, and coordinates the dissemination of this information to regional task force personnel.

Accounting and Workload

1. United States Attorneys.

Workload statistics for the United States Attorneys' activity have been combined and are reflected in the Drug Law Enforcement Budget activity on page 12. Examples of ODETF case activity can be found in the 1983-1990 Annual Reports of the ODETF Program.

2. Criminal Division.

| | | | | |
|--|------|------|------|------|
| Item: | 1989 | 1990 | 1991 | 1992 |
| Electronic surveillance applications reviewed..... | 134 | 172 | 199 | 236 |
| Witnesses accepted in protection program..... | 363 | 449 | 548 | 423 |
| Extradition requests transmitted: | | | | |
| Requests Pending, Beginning of Year..... | 269 | 248 | 275 | 300 |
| Requests Received..... | 163 | 169 | 200 | 250 |
| Requests Closed..... | 499 | 548 | 623 | 673 |
| Requests Pending, End of Year..... | | | | |

| | 1990 | 1991 | Estimate 1992 |
|--|------|------|---------------|
| U.S. Legal Assistance Requests Transmitted: | | | |
| Requests Pending, Beginning of Year..... | 151 | 247 | 477 |
| Requests Received..... | 192 | 130 | 175 |
| Requests Closed..... | 94 | 100 | 125 |
| Requests Pending, End of Year..... | 247 | 277 | 327 |

3. Tax Division.

Tax charges are often a key element in the successful prosecution of participants in criminal enterprises. Enforcement of the tax laws is playing an increasing role in the drug war. Approximately 25 percent of the prosecutions authorized by the Tax Division involve the illegal drug trade, and this percentage is likely to increase as the Internal Revenue Service is devoting substantially increased resources to investigating drug cases.

| | 1990 | 1991 | Estimate 1992 |
|-----------------------------------|------|------|---------------|
| COPIF Case Receipts: | | | |
| a. Complex Cases..... | 194 | 196 | 197 |
| b. Outgrowths..... | 82 | 51 | 53 |
| Subtotal..... | 283 | 287 | 290 |
| c. Grand Jury Investigations..... | 34 | 48 | 63 |
| Total Case Receipts..... | 317 | 335 | 353 |
| COPIF Case Closures: | | | |
| a. Complex Cases..... | 129 | 211 | 215 |
| b. Outgrowths..... | 100 | 144 | 152 |
| Subtotal..... | 229 | 355 | 367 |
| c. Grand Jury Investigations..... | 30 | 30 | 32 |
| Total Case Closures..... | 259 | 385 | 400 |

Note: Workload statistics were obtained from the Criminal Appeals and Tax Enforcement Policy (CAIETP) Section, which maintains the Tax Division's automated case reporting and tracking system for criminal tax matters. 1990 and 1991 data reflect actual end of year caseload. Estimates for 1992 and 1993 are based upon internal data, statistics received from the Criminal Investigation Division, the IRS, and information from the Office of National Drug Control Policy.

Program Changes (Prosecution):

An increase of 92 reimbursable positions (46 attorneys, 18 paralegals, 28 support positions), 25 reimbursable workyears and \$3,767,000 is requested. This enhancement will strengthen the prosecutorial efforts of the ODETF Program.

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|---------------------|-----------|-----|----------|---------------|-----|----------|-------------------|----|---------|
| | Pos. | WT | Amount | Pos. | WT | Amount | Pos. | WT | Amount |
| U.S. Attorneys..... | 955 | 938 | \$78,069 | 1,044 | 961 | \$81,407 | 89 | 23 | \$3,538 |

An increase of 89 reimbursable positions (44 attorneys, 18 paralegals, 27 support positions), 23 workyears, and \$3,538,000 is requested for the U.S. Attorneys.

Personnel Resources

Most ODETF cases involve wiretaps, money laundering investigations and weapons offenses. This complexity and intensity of the ODETF case requires early attorney involvement. Approximately 80 percent of task force cases involve more than one judicial district, and over one-third are international in scope. The cases involve multi-defendants and indictments. Recently it has been found that due to the size and complexity of the ODETF cases, frequently more than one attorney is required in order to successfully investigate and prosecute the case. In addition, excellent opportunities for moving up the chain of supply by persuading defendants to cooperate are often lost. For example, the minimum mandatory sentencing provisions of Title 21 and the very harsh provisions of the Sentencing Guidelines relating to large-scale drug trafficking have resulted in an unprecedented willingness of significant drug traffickers to cooperate. However, the sheer number of large-scale cases, appeals and post-sentence litigation prevents attorneys from fully exploiting that willingness to cooperate. Thus, the long-term spin-off and successive investigations that can result from one successful ODETF case can not be pursued. As stated in the Report on the Organized Crime Drug Enforcement Task Force Program, 1989-1990, "the ODETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions has demonstrated the efficacy of ODETF's operational model." This success can only continue if additional resources are authorized to address the rise in violent drug crimes.

As reported by the thirteen ODETF Core Cities, there has been a significant increase in gang-related violence -- drugs, guns and violence. The Federal Bureau of Investigation (FBI) has announced a 10 percent increase in violent crime. The national and national scope of violent gang operations such as the Latin groups, Jamaican posses, the Crips and Bloods and other motorcycle gangs constitute an ongoing threat to the safety and welfare of the American people. Today, investigative reports place the Crips and Bloods in 32 states and 113 cities. The Jamaican posses are known for their aggressive drug marketing strategies and firearms trafficking, a secondary but significant source of income. Only 15 states report no Jamaican posse activity. The National Strategy for attacking organized crime emphasizes the "enterprise theory of investigation", in which the leadership and chain of command of crime groups are penetrated and destroyed. Through the Organized Crime Drug Enforcement Task Force, resources will be committed to combat these emerging criminal groups. The United States Attorneys' have joined the Bureau of Alcohol, Tobacco and Firearms and state and local law enforcement offices across the country in "Project Achilles", which investigates those individuals identified as armed career criminals who use firearms while trafficking illicit narcotics. Since the inception of the program in 1987, there have been 1,184 defendants given mandatory sentences under Title 18, U.S.C. section 924(c) and 522 defendants have been given enhanced sentences under Title 18, U.S.C. 925(e). Sentences thus far have totaled 8,908 years. The United States Attorneys have been advised to make certain that all crimes committed with firearms be moved to the highest level of the prosecution agenda. Plea bargaining for lesser sentences will not be allowed. The United States Attorneys will not be in a position to defend the country from the violence associated with drug abuse if additional resources are not authorized. Based on a survey conducted by the Bureau of the Census during July, August and September 1989, one in four violent offenders and nearly one in three of those convicted of property crimes had been using drugs at the time of their offense. According to the same statistics, one in five violent offenders and one in ten property crime offenders had been using drugs at the time of their offense. During 1989, one in four violent offenders and one in ten property crime offenders had been using drugs at the time of their offense. During 1989, one in four violent offenders and one in ten property crime offenders had been using drugs at the time of their offense. During 1989, one in four violent offenders and one in ten property crime offenders had been using drugs at the time of their offense. During 1989, one in four violent offenders and one in ten property crime offenders had been using drugs at the time of their offense.

The District of Maryland, the Eastern District of Pennsylvania and the Eastern District of Virginia have embarked upon a Violent Traffickers Project. The goal of the project is to identify and target for investigation organized traffickers who are also associated with violence. The identified organizations will be initiated as ODETF targets. This effort has been expanded across the country through "Project Triggerlock". This initiative would add twenty years to the sentences of dangerous career offenders, including drug traffickers and gang members. These combined initiatives will

disrupt the violent drug trafficking groups only if additional resources are made available.

The FBI's Heartland Policy will increase case referrals. Expanding drug investigative resources in the principal drug importation and distribution cities has proven to be a most efficient method of cutting the chain of supply to smaller inland and rural areas. The FBI is presently addressing approximately 40 percent of the major identified drug trafficking groups. However, the FBI maintains its drug investigative role in attacking regional drug trafficking groups in concert with state and local law enforcement agencies. Sufficient prosecutorial resources must be available to support successful regional drug investigations.

The National Drug Control Strategy emphasizes the critical role that money laundering/financial investigations contribute to the ultimate destruction of drug trafficking organizations and their illegal activities. The Drug Enforcement Administration, the U.S. Customs Service and the Internal Revenue Service have requested additional resources for fiscal year 1993 in order to pursue money laundering investigations. The U.S. Attorney also supports this initiative. A 1993 Caseload Study of the ODETF Program found that the seizures and forfeitures are more substantial in fast force cases than in other federal drug cases. Drug trafficking organizations can be disrupted by the removal of the financial resources needed to support their enterprises as well as by the removal of the leaders. Through September 30, 1990, the ODETF Program had seized a total of \$1.1 billion in property and \$799 million in cash.

The most recent fiscal years show a major increase in the financial disruption of drug trafficking organizations. The more than \$1 billion in cash and property seized in 1989 and 1990 was \$89 million more than the total for all previous years combined. It is also noted that 1989 and 1990 seizures far exceeded those years' entire ODETF budgets.

Finally, the recommended attorney/agent ratio of 1:4 must be maintained. In the past, the United States Attorneys were authorized the number of prosecutors required to support the 1:4 ratio of attorney/federal agents. This is a minimum, because the 1:4 ratio addresses federal resources, but does not begin to take into account the number of state and local investigators who are "referring" ODETF cases to the United States Attorneys. The same is reported above concerning the following funding request: "The following request for funding is based on the 1:4 ratio of attorney/federal agents. The following request for local investigators is based on the 1:4 ratio of attorney/federal agents. 35 percent of the investigators are in the 1:4 ratio. The following request for prosecutorial resources is essential for response to federal agents, notwithstanding additional investigations from state and local sources."

Base Initiative

The request for the United States Attorneys includes \$1,470,000 to house ODETF agents. As stated in the "Report", those Task Forces which mandated the physical co-location of coordinators, and therefore achieved greater interpersonal coordination, ranked higher in effectiveness than those who worked in non-co-located areas. This conformance to the Sullivan had the intended effect of increasing coordination and cooperation in those Core Cities. This resulted in an enhanced capacity to resolve conflicts over such issues as case selection, title 21 jurisdiction, cross-designation, and the withholding of cases. The additional funding will support the housing of ODETF agents.

The following benefits will result:

- o The legislative intent of Congress to prosecute to the full extent of the law, individuals distributing drugs will be achieved. Convictions will increase with the expectation that the defendants will be removed from society, thereby reducing the number of individuals who are selling drugs. Dealer's assets will be seized and forfeited with a potential impact to be realized by all forces of the government, ultimately benefiting the American citizen.
- o Approval of the resources requested will enable the U.S. Attorneys to maintain an aggressive posture in the war against drugs, the Federal Precursor Drug legislation will be exploited, the Federal Government's leadership role in the investigation and prosecution of organized crack cocaine organizations will be enhanced and investigations targeting the major suppliers, organizers, and distributors of other illicit drugs will be expanded. Approval of this request will also enable the ODETF Program to maintain a 1:4 ratio of one attorney for every four federal investigators.

| | 1993 Base | | 1993 Estimate | | Increase/Decrease | |
|-------------------|-----------|-----|---------------|-----|-------------------|--------|
| | Pos. | Wt. | Pos. | Wt. | Pos. | Wt. |
| Tax Division..... | 16 | 12 | 17 | 16 | 1 | 2 |
| | | | | | 81,273 | 81,502 |
| | | | | | 3 | 2 |
| | | | | | | \$229 |

An increase of 3 positions (2 attorneys and 1 support), 2 workyears and \$229,000 is requested for the Tax Division for 1993.

The Tax Division ODETF attorneys are responsible for authorizing grand jury investigations and prosecutions of tax crimes and for investigating and prosecuting criminal tax cases. The Tax Division attorney coordinate and work closely with each of the 13 ODETF Task Forces.

During the past year, tax charges felled a number of major narcotics traffickers. Among them was Wayne Marcado, Kingpin of a narcotics empire that reported more than \$250 million of marijuana into the United States over the last ten years. In conjunction with the Los Angeles/Berkeley Task Force, Tax Division attorneys obtained guilty pleas from Marcado and 17 co-conspirators to a 43-count indictment charging them with tax evasion, operating a continuing criminal enterprise and other narcotics offenses. As part of his plea agreement, Marcado forfeited more than \$5 million in assets, including a \$2.2 million home in Lake Tahoe.

Other Tax Division attorneys worked with the Florida-Caribbean Task Force in obtaining the indictments of George Nicholas Marlen and Jesus Latorio Barrios. Beginning in 1986, Marlen smuggled approximately 3,100 kilos of cocaine into the United States, avoiding tax on approximately \$4.8 million of income. Part of this income was derived from his sale of cocaine stolen from the DEA. Barrios headed an organization which imported approximately 50,000 kilos of marijuana and 5,000 kilos of cocaine into the United States from 1981 through 1987.

By the end of 1991, the Tax Division's Criminal Enforcement attorneys closed 395 cases, a 61 percent increase over last year. In many of these cases, Tax Division ODETF attorneys have taken on the responsibility of not only authorizing prosecution, but also conducting the trial. The number of attorney hours spent on the trial of ODETF cases has increased by 95 percent in the last two years, from 7,700 to over 15,000 hours.

There are many reasons that the ODETF docket of the Tax Division will continue to expand. In recent years, both the Internal Revenue Service and the Drug Enforcement Administration received substantial increases in their resources. In 1991, the IRS received an additional 190 positions, and is requesting an increase of 64 positions for 1993. Similarly, the DEA has made a commitment to add 1,500 special agents to conduct ODETF investigations over a four year period starting with the 1993 enhancement. Representing the third year of this initiative, DEA's 1993 request includes a total agent enhancement of 143. New workload will also result from the increased emphasis on money laundering cases.

These resource increases will have a ripple effect on the Tax Division's workload. Additional attorneys will be required to provide tax expertise to these investigations and to prosecute the cases produced by those investigations. However, the Tax Division does not have the resources to absorb these expected increases in its ODETF workload. Yet, if those tax cases are not aggressively pursued, much of the funding dedicated by the IRS and the DEA to investigating them will be wasted.

Additional workload will also result from increased emphasis on money laundering cases. The Office of National Drug Control Policy has made such cases its number one priority. If these money laundering cases are properly developed, they will produce a surge in tax cases, for in almost every instance, money launderers do not report the income realized from their illegal activities. In many instances, a conviction on tax charges may be the simplest and quickest way to convict these individuals and take them off the streets.

The following benefits will result:

- o Without additional resources, the Tax Division will not be able to support the new IRS and DEA initiatives. Approval of the requested resources would permit the Tax Division to handle the additional cases that will be produced by the new agents coming on line and permit the Division to contribute significantly to the battle against major narcotics trafficking.

| Activity: Administrative Support | 1992 Appropriation | | 1992 Base | | 1992 Estimate | | Increase/Decrease | | |
|----------------------------------|--|---|--|---|--|---------------------------------|--------------------|------|-----|
| | Per. | Adm. | Per. | Adm. | Per. | Adm. | Per. | Adm. | |
| | Pos. <td>Pos.<td>Pos.<td>Pos.<td>Pos.<td>Pos.<td>Pos.<td>Pos.</td></td></td></td></td></td></td> | Pos. <td>Pos.<td>Pos.<td>Pos.<td>Pos.<td>Pos.<td>Pos.</td></td></td></td></td></td> | Pos. <td>Pos.<td>Pos.<td>Pos.<td>Pos.<td>Pos.</td></td></td></td></td> | Pos. <td>Pos.<td>Pos.<td>Pos.<td>Pos.</td></td></td></td> | Pos. <td>Pos.<td>Pos.<td>Pos.</td></td></td> | Pos. <td>Pos.<td>Pos.</td></td> | Pos. <td>Pos.</td> | Pos. | |
| Executive Office..... | 13 | 13 | 81,311 | 13 | 81,349 | 14 | 81,348 | 1 | 839 |

This activity provides policy guidance, central coordination, and administrative support to the headquarters of the twelve member agencies and the thirteen regional task forces. The Executive Office has day to day responsibility for providing administrative support to the task force in the form of personnel, financial management, records management, and maintenance of the Management System. This office serves as the first action point of contact for the task forces when Washington intervention or assistance is required.

Program-Summary Goal: To provide policy guidance, central coordination and administrative support to the thirteen regional drug task forces.

This activity provides policy guidance, central coordination, and administrative support to the headquarters of the twelve member agencies and the thirteen regional task forces. The Executive Office has day to day responsibility for providing administrative support to the Task Forces and is responsible for financial management, records management, and maintenance of the Case Management System. This office serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

Long-Range Goal: To provide policy guidance, central coordination and administrative support to the thirteen regional drug task forces.

Major Objectives:

- To perform as the support and monitoring body between the individual task force Coordinating Groups and the Office of the Deputy Attorney General.
- To track and monitor task force cases and resources.
- To perform budget analysis, program analysis and evaluation.
- To prepare testimony and information for the Attorney General, the Deputy Attorney General, the Congress, the media, and others concerning task force issues.
- To perform research in support of Task Force requirements.
- To manage the State and Local Law Enforcement Overtime fund, State and Local deputization and Federal officer cross-designation programs.

Short-Range Objectives:

The thrust of the Task Force Program is to encourage more cooperation at the field-office level by marshaling the efforts of agency personnel within local districts and making the Core City United States Attorney responsible for the coordination of the Task Force. The Program is not designed to be administered centrally from Washington but rather, supported by the Washington based Executive Office.

The Executive Office for ODETF provides policy guidance, central coordination, and administrative support to the headquarters of the twelve member agencies and the thirteen regional task forces. The Executive Office has day-to-day responsibility for providing administrative support to the Task Force and is responsible for financial management, records management, and maintenance of the Management Information System. This staff serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

This Office serves as the Executive Secretariat of the ODETF Program and is a part of the Deputy Attorney General's office. The Director reports through an Associate Deputy Attorney General. Effective November 20, 1990, Administration of the Department of Justice's portion of the High Intensity Drug Trafficking Area (Metropolitan HIDTA) was placed under the auspices of the Executive Office. In addition to general administrative responsibilities, the Executive Office was tasked with reviewing the 1991 Metropolitan HIDTA and insuring compatibility with each other, the Southwest Border HIDTA Plan, and with the ODETF Program; recommending budget allocations; securing reimbursement agreements; coordinating a reporting and evaluation system to facilitate an end-of-year accomplishments report; and designing and managing the 1992 budget and formulation process.

The Task Force administrative functions are conducted to the greatest extent possible through existing Departmental systems. This includes conducting training through the Attorney General's Advocacy Institute and the Quantico and Clydes Training Center, providing legal advice through the various sections of the Criminal Division and other equivalent units, etc.

The Director of the Executive Office for ODETF works with Departmental units and Task Force investigative agencies to ensure that needed seminars, conferences, and other training is provided in the following areas:

1. Task force orientation and administrative procedures for managers of task force offices;
2. In-service training for task force attorneys and agents in such areas as financial investigations, forfeiture actions, and specialized drug investigative techniques;
3. Specialized training for new attorneys in narcotics prosecutions, Continuing Criminal Enterprise (CCE) and racketeering influenced and Corrupt Organizations (RICO) statutes, forfeiture actions, financial investigations, and related areas; and
4. Pre-service and in-service training for Task Force Executive Office.

In 1983 and 1986, the ODETF Program operated as a single appropriation reimbursing agencies for their involvement. Beginning in 1985, the resources were appropriated directly to the participating agencies. As a result of Section 1055 of the Anti-Drug Abuse Act of 1986, beginning in 1990 a consolidated appropriation was again established. The Attorney General in his budget submits a separate appropriations request for expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement Task Forces. Such appropriations are made to the Department of Justice's Interagency Law Enforcement Appropriation Account for the Attorney General to make reimbursements to the involved agencies as necessary.

The consolidated appropriation and reimbursement procedure provides the following benefits:

1. Provides for the flexibility of the Task Forces which is vital to success;
2. Permits Federal law enforcement resources to be shifted in response to changing patterns of organized criminal drug activities;
3. Permits the Attorney General to reallocate resources among the organizational components of the Task Forces and between regions without undue delay; and
4. Ensures that the Task Forces function as a unit, without the competition for resources among the participating agencies that would undermine the overall effort.

Accomplishments and Method: The Executive Office, as the central repository of the case data, is able to provide the national focus necessary for the Deputy Attorney General to manage and assess the Task Force Program.

The Management Information System (MIS) is designed to meet the management needs of the Deputy Attorney General, U.S. Attorneys, the Executive Review Board, the Multi-Agency Headquarters, and the regional Task Forces. In addition, the information system provides the data necessary to evaluate Task Force Program performance which is used in reports to the Attorney General, President, the Congress, the public. The MIS consists of three standard reports: the Investigation Initiation; the Indictment; and the Disposition Sentencing. Other monitoring reports include but are not limited to Investigations/Prosecution Status Reports and various activity reports.

In addition to comprehensive activities involved in the maintenance of the Management Information System, financial management requirements and other recurring administrative responsibilities, the Executive Office has performed the following activities:

1. Preparation of the annual reports of the ODETF Program;
2. Design, coordination, and management of the Annual National Conferences;
3. Preparation of a five-year summary report;
4. Preparation of a six-year impact analysis report;
5. Modernization of existing data base to modern high speed digital software/hardware;

6. Performed site visits to all Core Cities regarding preparation of the Annual Reports, the five-year Summary Report and the six-year impact analysis report;
7. Conducted site visits and inspections to numerous non-core districts;
8. Provided critical staff support and coordination in the preparation of speeches, presentations, and related activities required for all regional conferences, all Washington Agency Representatives meetings and all Executive Review Board meetings;
9. Attended and generally provided speeches at all regional conferences, advisory committee meetings, and national conferences;
10. Coordinated and processed all State/local federal agreements for cooperative investigations, and all overtime contracts and deputization requests;
11. Served and chaired numerous Committees and special projects; and
12. In accordance with required testings from the Attorney General, Deputy Attorney General, twelve member agencies, and the United States Attorney, responded to all information requests and issue/problem resolution requirements, and prepared special analyses and performed liaison activities with affected agencies.

| | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|-----------------------|-----------|----|---------|---------------|----|---------|-------------------|----|--------|
| | Pos. | MI | Amount | Pos. | MI | Amount | Pos. | MI | Amount |
| Executive Office..... | 13 | 13 | \$1,349 | 14 | 14 | \$1,388 | 1 | 1 | \$39 |

An increase of 1 program analyst, 1 writer, and \$39,000 is requested to allow the Executive Office to meet its OCEIF Guidelines responsibility. Additional resources at the Department of Justice have been requested at a similar level with this objective in mind. The Department of Justice has been identified as a major contributor to the OCEIF Guidelines responsibility. The OCEIF Guidelines responsibility is a major objective of the OCEIF Guidelines. The OCEIF Guidelines are a Department of Justice internal management review identifying deficiencies in this area. The basic focus of the latter review was to determine if the OCEIF Executive Office had adequate personnel to fulfill their mission and perform the functions they have been assigned.

It found that the Executive Office lacked sufficient and appropriate staff to accomplish the functions outlined in the OCEIF Guidelines.

Among the areas of deficiency identified by both the management study and the internal review were the following:

o Management Information System.

The heart of the OCEIF Management Information System (MIS) is a partially computerized system for gathering and sorting OCEIF case-related data. Given its limited scope, the MIS does not contain a complete inventory of all data upon which management decisions should be based. A more comprehensive and complete data base will greatly facilitate report generation and strategic planning.

- o The Executive Office lacks the resources to properly "clean" the data prior to entry. Nor does it have ready access to the resources necessary to properly repair, maintain, or upgrade the programs that comprise the MIS resulting in costly delays whenever program errors are identified. The capacity to analyze the existing MIS data output is also limited.

In sum, the MIS is presently inadequate for a program of such complexity, size and importance.

o Training.

Given the limited number of professional resources in the Executive Office and the extensive demands on field personnel to work cases, OCEIF training of any type has been the exception rather than the rule. The Guidelines state that existing training programs should be utilized

where possible and that specialized training should be conducted by the Advocacy Institute and the Investigative agencies' training facilities.

There is no method for systematically determining what these training needs might be. This deficit will become even more crucial as increasing numbers of attorneys are hired who lack the required federal drug-related prosecution experience and as investigative agency personnel with limited experience in drug cases join the Task Force.

o Budget Development and Monitoring

With the consolidation of the ODSITF Program budget in the Department of Justice in 1990, it became necessary for the Executive Office to develop and fully operationalize a capacity in this area.

In order to respond to the increased requirement to more effectively manage and track resources contributed by the twelve member agencies, two professional/administrative positions and one support position, two workyears and \$123,000 were requested in the 1991 Congressional submission and subsequently approved.

The requested enhancement for 1993 would provide the following:

This position will perform management surveys, management research projects and analyze information and data from the twelve federal agencies and numerous state and local agencies participating in the ODSITF Program. Major projects will include policy and program formulation, planning, analysis and evaluation. Specific tasks include but are not limited to personnel and human resource administration, productivity analysis, drafting of policies, procedures and guidelines, and planning and developing training activities. The requested position will also analyze data maintained in the ODSITF Case Management System; periodically review reporting procedures and make recommendations regarding improvements to the existing system; perform analysis of the Task Force offices to assess operations; make recommendations on potential improvements of work practices; and draft a variety of working papers, policy statements, case summaries, reports and correspondence.

The following benefits will result:

- o The Executive Office would be provided an enhanced capacity to analyze data; assess ODSITF needs; develop strategic plans; deliver training, technical and management assistance to support the implementation of these plans; and to monitor and evaluate ODSITF performances.

Interagency Law Enforcement
 Organized Crime Drug Enforcement
 Financial Analysis - Program Changes
 (Dollars in thousands)

| Item | Drug Law Enforcement | | | INS | | |
|--|----------------------|---------|------|---------|------|--------|
| | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | |
| GS/GM-14..... | 47 | 92,252 | 66 | 93,163 | 22 | 91,054 |
| GS/GM-13..... | ... | ... | ... | ... | ... | ... |
| GS-12..... | ... | ... | ... | ... | ... | ... |
| GS-11..... | ... | ... | ... | ... | ... | ... |
| GS-10..... | ... | ... | ... | ... | ... | ... |
| GS-9..... | ... | ... | ... | ... | ... | ... |
| GS-8..... | ... | ... | ... | ... | ... | ... |
| GS-7..... | ... | ... | ... | ... | ... | ... |
| GS-6..... | 12 | 245 | 43 | 789 | ... | ... |
| GS-5..... | ... | ... | ... | ... | ... | ... |
| GS-4..... | ... | ... | ... | ... | ... | ... |
| Ungraded positions..... | ... | ... | ... | ... | ... | ... |
| Federal Law Enforcement Pay Costs..... | 99 | ... | ... | 163 | ... | 30 |
| Total positions and annual rate..... | 59 | 2,596 | 109 | 4,115 | 22 | 1,084 |
| Lapse (-)..... | (44) | (1,948) | (81) | (3,074) | (16) | (767) |
| Other personnel compensation..... | 4 | 146 | 5 | 216 | 2 | 79 |
| Special personnel services payments..... | ... | ... | ... | ... | ... | ... |
| Total workyears and personnel compensation..... | 19 | 794 | 33 | 1,257 | 8 | 396 |
| Personnel benefits..... | ... | 360 | ... | 695 | ... | 144 |
| Travel and transportation of persons..... | ... | 193 | ... | 79 | ... | 146 |
| Transportation of things..... | ... | 144 | ... | 336 | ... | ... |
| GSA rent..... | ... | 109 | ... | 92 | ... | 56 |
| Rental payments to others..... | ... | 3 | ... | ... | ... | ... |
| Communications, Utilities..... | ... | 70 | ... | 143 | ... | 22 |
| Printing and reproduction..... | ... | 7 | ... | ... | ... | ... |
| Other services 1/..... | ... | 372 | ... | 1,067 | ... | 103 |
| Supplies and materials..... | ... | 80 | ... | 50 | ... | 139 |
| Equipment 1/..... | ... | 2,063 | ... | 2,252 | ... | 320 |
| Land and structures..... | ... | ... | ... | ... | ... | ... |
| Total program workyears and obligations changes requested, 1993..... | 19 | 4,195 | 33 | 5,971 | 8 | 1,326 |

Interagency Law Enforcement
 Organized Crime Drug Enforcement
 Financial Analysis - Program Changes
 (Dollars in thousands)

| Item | Drug Law Enforcement | | | | | |
|---|----------------------|--------|------|---------|------|--------|
| | DMTP | | IRS | | USCS | |
| | Pos. | Amount | Pos. | Amount | Pos. | Amount |
| Grades | | | | | | |
| GS/GR-14..... | 9 | 9431 | 1 | 957 | ... | ... |
| GS/GR-13..... | ... | ... | 45 | 2,156 | 10 | 479 |
| GS-12..... | ... | ... | ... | ... | 9 | 9363 |
| GS-11..... | ... | ... | ... | ... | ... | ... |
| GS-10..... | ... | ... | ... | ... | ... | ... |
| GS-9..... | ... | ... | ... | ... | ... | ... |
| GS-8..... | ... | ... | ... | ... | ... | ... |
| GS-7..... | ... | ... | ... | ... | ... | ... |
| GS-6..... | ... | ... | ... | ... | ... | ... |
| GS-5..... | 1 | 918 | 1 | 20 | ... | ... |
| GS-4..... | ... | ... | 17 | 312 | ... | ... |
| Ungraded positions..... | ... | ... | ... | ... | ... | ... |
| Federal Law Enforcement Pay Costs..... | ... | ... | ... | ... | ... | ... |
| Total positions and annual rate..... | 10 | 449 | 64 | 2,545 | 19 | 842 |
| Leave (-)..... | (6) | (337) | (48) | (1,878) | (14) | (628) |
| Other personnel compensation..... | 1 | 36 | 4 | 136 | 1 | 43 |
| Special personnel services payments..... | ... | ... | ... | ... | ... | ... |
| Total work force and personnel..... | ... | ... | ... | ... | ... | ... |
| Commodities..... | 3 | 148 | 20 | 789 | 6 | 259 |
| Personal benefits..... | ... | ... | ... | ... | ... | ... |
| Travel and transportation of persons..... | ... | ... | ... | ... | ... | ... |
| Transportation of things..... | ... | ... | ... | ... | ... | ... |
| GSAT..... | ... | ... | ... | ... | ... | ... |
| Rental payments to other..... | ... | ... | ... | ... | ... | ... |
| Communications utilities..... | ... | ... | ... | ... | ... | ... |
| Printing and reproduction..... | ... | ... | ... | ... | ... | ... |
| Other services 1/..... | ... | ... | ... | ... | ... | ... |
| Supplies and materials..... | ... | ... | ... | ... | ... | ... |
| Equipment 1/..... | ... | ... | ... | ... | ... | ... |
| Land and structures..... | ... | ... | ... | ... | ... | ... |
| Total program work force and obligations changes requested, 1993..... | 3 | 700 | 20 | 3,044 | 6 | 1,026 |
| | | | | | 4 | 495 |

Interagency Law Enforcement
Organized Crime Drug Enforcement
Financial Analysis - Program Changes
(Dollars in thousands)

| Item | Prosecution | | Admin. Support | | Total OCDE | |
|---|-------------|--------------|------------------|-------------|-------------|-------------|
| | USA's | Tax Division | Executive Office | Pos. Amount | Pos. Amount | Pos. Amount |
| Grades | Pos. Amount | Pos. Amount | Pos. Amount | Pos. Amount | Pos. Amount | Pos. Amount |
| GS/GM-14..... | ... | 2 | ... | ... | 2 | 114 |
| GS/GM-13..... | ... | ... | ... | ... | 207 | 9,919 |
| GS-12..... | ... | ... | ... | ... | 14 | 564 |
| GS-11..... | 18 | 9605 | ... | ... | 18 | 605 |
| GS-10..... | ... | ... | ... | ... | ... | ... |
| GS-9..... | ... | ... | ... | ... | ... | ... |
| GS-8..... | 27 | 679 | ... | ... | 27 | 679 |
| GS-7..... | ... | 1 | ... | ... | 4 | 91 |
| GS-6..... | ... | 23 | ... | ... | 13 | 265 |
| GS-5..... | ... | ... | ... | ... | 61 | 1,119 |
| GS-4..... | 44 | 2,884 | ... | ... | 44 | 2,884 |
| Ungraded positions..... | ... | ... | ... | ... | ... | ... |
| Federal Law Enforcement Pay Costs | ... | ... | ... | ... | ... | 292 |
| Total positions and annual rate..... | 89 | 4,168 | 1 | 48 | 390 | 16,832 |
| Lapse (-)..... | (66) | (3,133) | ... | (36) | (288) | (12,269) |
| Other personnel compensation..... | ... | 7 | ... | ... | 17 | 671 |
| Special personnel services payments..... | ... | 43 | ... | ... | ... | 43 |
| Total workyears and personnel compensation..... | 23 | 1,085 | 1 | 12 | 119 | 4,977 |
| Personnel benefits..... | ... | 427 | ... | 3 | ... | 2,272 |
| Travel and transportation of persons..... | ... | 78 | ... | 1 | ... | 954 |
| Transportation of things..... | ... | 27 | ... | ... | ... | 562 |
| GSA rent..... | ... | 154 | ... | 2 | ... | 614 |
| Rental payments to others..... | ... | 4 | ... | ... | ... | 10 |
| Communications, utilities..... | ... | 122 | ... | 1 | ... | 520 |
| Printing and reproduction..... | ... | 59 | ... | ... | ... | 73 |
| Other services 1/..... | ... | 626 | ... | 12 | ... | 2,881 |
| Supplies and materials..... | ... | 44 | ... | 1 | ... | 198 |
| Equipment 1/..... | ... | 912 | ... | 7 | ... | 7,202 |
| Lands and structures..... | ... | ... | ... | ... | ... | ... |
| Total program workyears and obligations changes requested, 1993.... | 23 | 3,538 | 2 | 229 | 119 | 20,563 |

1/Includes modular-related items for new positions such as: relocation expenses; full-field investigations; purchase of evidence; payments for information (PFI); training; office automation/computer workstations; technical investigative equipment; radios; vehicles; office furniture; fire body armor, etc.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Priority Rankings

| Base Program | | Program Increase | |
|------------------------|---------|------------------------|---------|
| Program | Ranking | Program | Ranking |
| Drug Law Enforcement | 1 | Drug Law Enforcement | 1 |
| Prosecutions | 2 | Prosecutions | 2 |
| Administrative Support | 3 | Administrative Support | 3 |

1001

Interagency Law Enforcement
 Organized Crime Drug Enforcement
 Detail of Permanent Positions by Category
 Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 | | | 1993 | | |
|---|--------------------|---------|--------------------------------|-------|--|----------------------|-------|
| | | Enacted | Adjustment in Perm. Pos. | Total | Base Adjustment in Perm. Pos. | Program Increases | Total |
| Attorneys (905)..... | 538 | 538 | (1) | 537 | ... | 47 | 584 |
| Paralegal Specialists (950)..... | 45 | 45 | ... | 45 | ... | 18 | 63 |
| Investigative Assistants (1802)..... | 11 | 11 | ... | 11 | ... | ... | 11 |
| Criminal Investigative series (1811)..... | 2,240 | 2,347 | (1) | 2,346 | (5) | 205 | 2,546 |
| Other Miscellaneous Occupations (001-199)..... | 11 | 11 | ... | 11 | ... | ... | 11 |
| Social Science Economics and Kindred (100-199)..... | 33 | 33 | ... | 33 | ... | 7 | 40 |
| Gen. Admin. Clerical and Office Services (300-399)..... | 1,144 | 1,197 | (1) | 1,196 | ... | 113 | 1,309 |
| Accounting and Budget (500-599)..... | 6 | 6 | ... | 6 | ... | ... | 6 |
| Total..... | 4,028 | 4,188 | (3) | 4,185 | (5) | 390 | 4,570 |
| Washington..... | 55 | 55 | ... | 55 | ... | 6 | 61 |
| U.S. Field..... | 3,973 | 4,133 | (3) | 4,130 | (5) | 384 | 4,509 |
| Foreign Field..... | ... | ... | ... | ... | ... | ... | ... |
| Total..... | 4,028 | 4,188 | (3) | 4,185 | (5) | 390 | 4,570 |

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Changes
(Dollars in thousands)

| | Perm. Pos. | Work- years | Amount |
|---|---------------|----------------|-----------|
| 1992 as enacted..... | 4,100 | 4,053 | \$343,374 |
| Transferred from other funds (Special Forfeiture Fund)..... | | | 20,000 |
| Adjustments in permanent positions and workyears..... | -3 | -3 | --- |
| 1992 appropriation anticipated..... | 4,100 | 4,053 | \$363,374 |
| Adjustments to base: | | | |
| Adjustments in permanent positions and workyears..... | -3 | -3 | --- |
| Total, adjustments in permanent positions and workyears..... | -3 | -3 | --- |
| Mandatory increases: | | | |
| 1992 pay annualization..... | ... | ... | 2,356 |
| 1993 pay raises..... | ... | ... | 7,760 |
| Administrative salary increases..... | ... | ... | 1,759 |
| Annualization of 160 additional positions approved in 1992..... | ... | 79 | 6,376 |
| Federal Law Enforcement Pay Reform Act of 1990..... | ... | ... | 1,154 |
| General pay reform Act annualization..... | ... | ... | 37 |
| Special pay retroaction..... | ... | ... | 44 |
| Unemployment compensation increase..... | ... | ... | 1 |
| Health benefits..... | ... | ... | 1,946 |
| Federal Insurance Compensation Act..... | ... | ... | 108 |
| General pricing level adjustments..... | ... | ... | --- |
| Total, mandatory increases..... | --- | 79 | 22,177 |
| Decreases: | | | |
| One less compensable day..... | ... | ... | -1,083 |
| Nonrecurring costs of 160 new positions approved in 1992..... | ... | ... | -5,839 |
| One time transfer from Special Forfeiture Fund for NIDTA..... | --- | --- | -20,000 |
| Total, decreases..... | --- | --- | -26,922 |
| 1993 Base..... | 4,100 | 4,124 | 378,543 |
| Program changes: | | | |
| Drug Law Enforcement..... | 297 | 76 | 16,737 |
| Prosecutions..... | 92 | 25 | 3,767 |
| Administrative Support..... | --- | --- | --- |
| Total, program changes..... | 389 | 101 | 20,504 |
| 1993 Estimate..... | 4,570 | 4,226 | \$399,126 |

**Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Adjustments to Base
(Dollars in thousands)**

Adjustments in permanent positions and workyears

1. Adjustments in permanent positions and workyears.....

This decrease annualizes the 3 positions and 3 workyears cut in 1992 because of required absorption from the Federal Law Enforcement Pay Reform Act and the General Pay Reform Act.

| Pos. | VI | Amount |
|------|----|--------|
| -5 | -5 | ... |

Handicaps Increases

1. 1992 pay annualization.....

This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$1,775,000 for pay and \$587,000 for benefits).

| | | |
|-----|-----|---------|
| ... | ... | \$2,356 |
|-----|-----|---------|

2. 1993 pay relief

This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$7,740,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$5,632,000 for pay and \$2,108,000 for benefits = \$7,740,000).

| | | |
|-----|-----|-------|
| ... | ... | 7,740 |
|-----|-----|-------|

3. Administrative salary increases.....

This request provides for an expected annual pay adjustment of administratively determined salaries for the Assistant U.S. Attorneys occupying ungraded positions in the U.S. Attorneys Offices and those assigned to the Organized Crime Drug Enforcement account. (\$1,268,000 for pay and \$271,000 for benefits = \$1,539,000).

| | | |
|-----|-----|-------|
| ... | ... | 1,539 |
|-----|-----|-------|

Pos. ... 79 Amount 84,576

4. Annualization of 160 additional positions approved in 1992.....

This provides for the annualization of 160 additional positions approved by Congress in 1992 for participating agencies in the Organized Crime Drug Enforcement account.

| | Approved | Annualization 1992 Increases | Realized |
|---|----------|---------------------------------|-------------|
| Annual salary rate of 160 approved positions... | | \$5,995,000 | \$2,997,000 |
| Less lapse (50%)..... | | -2,997,000 | |
| Other personal compensation (APO)..... | | 630,000 | 630,000 |
| Net compensation..... | | 3,628,000 | 3,627,000 |
| Associated employee benefits..... | | 1,487,000 | 1,371,000 |
| Travel..... | | 433,000 | 204,000 |
| Space costs..... | | 208,000 | 207,000 |
| Other services..... | | 3,605,000 | 3,627,000 |
| Total costs subject to annualization..... | | 9,450,000 | 6,576,000 |

5. Federal Law Enforcement Pay Reform Act of 1990.....

The Federal Law Enforcement Pay Reform Act of 1990 provides that law enforcement personnel may be compensated for the following: entry level and geographic pay and benefits provisions, language bonuses, relocation allowances, and overtime and premium pay provisions. This request includes only annualization of costs for mandatory items in the Act for the final quarter of the year. It does not restore the 20 percent cut made in 1992, provide funding for language bonuses and relocation allowances, expand coverage to support positions, or include any funding for the Treasury Department agencies that participate in the Organized Crime Drug Enforcement Task Force Program. The total cost of the Act is \$6,351,000; of this amount we are absorbing \$7,197,000 for a net increase of \$1,154,000.

1,154

| Pos. | WT | Amount |
|---|-----|--------|
| ... | ... | \$57 |
| <p>6. General Pay Reform Act annualization.....</p> <p>The Federal Employees Pay Comparability Act of 1990 attempts to achieve full pay parity between federal and non-federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provided for new positions, appropriate benefits, vacancy rates and cost-of-living increases and included the 50 percent absorption shown in 1992 for an increase of \$344,000; of this amount we are absorbing \$287,000 for a net increase of \$57,000.</p> | | |
| ... | ... | 44 |
| <p>7. Special pay rates.....</p> <p>This request provides increases as authorized by law in 5 U.S.C. §303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only special rates that went into effect on June 1, 1991.</p> | | |
| ... | ... | 1 |
| <p>8. Unemployment Compensation - Increase.....</p> <p>This request provides for the additional costs necessary in 1993 for the Department to continue payment of Unemployment Compensation to federal employees. This increase is based on the most recent complete annual billing for the Department provided by the Department of Labor and is a result of the increase in the number of Department employees. Based on actual billings, an increase in the amount of \$1,000 is needed.</p> | | |
| ... | ... | 1,946 |
| <p>9. Health benefits.....</p> <p>The Federal Employees Health Benefits Act (P.L. 95-264) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$1,946,000 provides funds for actual increased costs from pay period 1 to pay period 2 projected for a full year.</p> | | |

| | Pos. | VL | Amount |
|---|------|-----|--------|
| 10. Federal Insurance Compensation Act..... | ... | ... | \$106 |
| Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$3,000 is computed based on the increase in the base rate. | | | |
| 11. General pricing level adjustment..... | ... | ... | \$70 |
| This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1993 estimates. The total cost for this increase is \$1,970,000; out of this amount we are absorbing \$1,400,000 for a net increase of \$570,000. | | | |
| Total mandatory increases..... | ... | 79 | 22,111 |
| Decreases: | | | |
| 1. One less compensable day..... | ... | ... | -1,083 |

The annual salary rate for Federal employees is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$647,000 for pay and \$236,000 for benefits.

| | Est. | Yr. | Amount |
|--|------|-----|----------|
| 2. Recurring costs for 160 new positions approved in 1992..... | ... | ... | -5,839 |
| This decrease represents the first-year costs for equipment, vehicles, training, and change of duty and relocation costs associated with the new law enforcement positions approved in 1992. | | | |
| 3. One time transfer from Special Forfeiture Fund for HIDA..... | ... | ... | -828,000 |
| This decrease represents the funding transferred from the Special Forfeiture Fund for Federal Initiatives in the four Metropolitan High Intensity Drug Trafficking Areas. | | | |
| Total decrease..... | ... | ... | -833,839 |
| Total, adjustments to base..... | ... | 7% | -12,811 |

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|-----------------------|------------------|-----------------------|------------------|-----------------------|------------------|-----------------------|-----------------|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| Grades and salary ranges | | | | | | | | |
| ES-1, \$90,000..... | 1 | | 1 | | 1 | | 0 | |
| GS/GM-15, \$64,233-\$83,502..... | 13 | | 13 | | 13 | | 0 | |
| GS/GM-14, \$54,607-\$70,987..... | 95 | | 95 | | 97 | | 2 | |
| GS/GM-13, \$46,210-\$60,070..... | 1,164 | | 1,178 | | 1,540 | | 202 | |
| GS-12, \$38,861-\$50,516..... | 635 | | 661 | | 675 | | 14 | |
| GS-11, \$32,423-\$42,152..... | 224 | | 153 | | 171 | | 18 | |
| GS-10, \$29,511-\$38,367..... | 70 | | 66 | | 66 | | ... | |
| GS-9, \$26,798-\$34,835..... | 130 | | 94 | | 94 | | ... | |
| GS-8, \$24,262-\$31,543..... | 37 | | 37 | | 64 | | 27 | |
| GS-7, \$21,906-\$28,486..... | 378 | | 516 | | 520 | | 4 | |
| GS-6, \$19,713-\$25,626..... | 347 | | 410 | | 423 | | 13 | |
| GS-5, \$17,686-\$22,996..... | 340 | | 208 | | 269 | | 61 | |
| GS-4, \$15,806-\$20,551..... | 62 | | 62 | | 62 | | ... | |
| GS-3, \$14,062-\$18,303..... | ... | | ... | | ... | | ... | |
| GS-2, \$12,905-\$16,237..... | ... | | ... | | ... | | ... | |
| Ungraded positions..... | 532 | | 531 | | 575 | | 44 | |
| 1993 pay increase..... | ... | | ... | | ... | | ... | |
| Total, appropriated positions..... | 4,026 | \$175,125 | 4,185 | \$179,280 | 4,570 | \$205,359 | 385 | \$26,079 |
| Pay above stated annual rates..... | (420) | (14,599) | (136) | (8,410) | (345) | (18,026) | (209) | (9,616) |
| Savings due to lower pay scales for part of year..... | ... | (1,233) | ... | (1,222) | ... | (1,877) | ... | (155) |
| Net full-time permanent..... | 3,606 | \$159,942 | 4,049 | \$170,842 | 4,225 | \$186,303 | 176 | \$15,461 |
| Other than permanent: | | | | | | | | |
| Temporary employment..... | 1 | 59 | 1 | 59 | 1 | 62 | ... | 3 |
| Other personnel compensation: | | | | | | | | |
| Overtime..... | 21 | 686 | 21 | 715 | 21 | 747 | ... | 12 |
| Administratively uncontrollable overtime..... | 532 | 23,520 | 584 | 25,147 | 613 | 27,149 | 29 | 2,000 |
| Other compensation..... | 13 | 1,012 | 18 | 1,135 | ... | 1,135 | ... | ... |
| Special personal services payments..... | ... | 363 | ... | 370 | ... | 457 | ... | 67 |
| Total, workyears and personnel compensation..... | 4,175 | \$85,582 | 4,673 | \$98,270 | 4,878 | \$115,853 | 205 | \$17,583 |
| Average ES Salary..... | | (990,000) | | (993,150) | | (993,150) | | |
| Average GS/GM Salary..... | | (939,301) | | (938,303) | | (940,476) | | |
| Average GS/GM Grade..... | | (10.18) | | (10.32) | | (10.35) | | |
| Average Ungraded Salary..... | | (970,821) | | (973,447) | | (975,831) | | |

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

| Object Class | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease | |
|---|-------------|-----------|---------------|-----------|---------------|-----------|-------------------|-----------|
| | Workyears | Amount | Workyears | Amount | Workyears | Amount | Workyears | Amount |
| 11.1 Full-time permanent..... | 3,608 | \$159,942 | 4,049 | \$170,842 | 4,225 | \$186,303 | 176 | \$15,461 |
| 11.3 Other than full-time permanent.. | 1 | 59 | 1 | 59 | 1 | 62 | ... | 3 |
| 11.5 Other personnel compensation... | 566 | 25,218 | 623 | 26,999 | 652 | 29,031 | 29 | 2,032 |
| 11.6 Special personal services payments..... | ... | 363 | ... | 370 | ... | 457 | ... | 87 |
| Total, workyears and personnel compensation..... | 4,175 | 185,582 | 4,673 | 198,270 | 4,878 | 215,853 | 205 | 17,583 |
| 12 Personnel benefits..... | 45,953 | | 58,093 | | 66,652 | | | 8,559 |
| 21 Travel and transportation | 13,567 | | 15,478 | | 16,526 | | | 1,048 |
| 22 Other persons..... | 2,228 | | 2,522 | | 2,756 | | | 234 |
| 23.1 GS4 rent..... | 16,204 | | 21,125 | | 21,698 | | | 773 |
| 23.2 Rental payments to others..... | 755 | | 649 | | 662 | | | 13 |
| 23.3 Communications, utilities and miscellaneous charges..... | 8,912 | | 7,239 | | 7,833 | | | 594 |
| 24 Printing and reproduction..... | 317 | | 417 | | 494 | | | 77 |
| 25 Other services..... | 51,014 | | 62,201 | | 37,148 | | | (25,053) |
| 26 Supplies and materials..... | 5,855 | | 6,473 | | 6,946 | | | 473 |
| 31 Equipment..... | 26,675 | | 18,907 | | 22,358 | | | 3,451 |
| | 358,732 | | 391,374 | | 399,126 | | | 7,752 |
| Relation of obligations to outlays: | | | | | | | | |
| Obligated balance, start-of-year... | 105,708 | | 214,786 | | 195,348 | | | 173,899 |
| Obligated balance, end-of-year..... | (214,786) | | (195,348) | | (253,458) | | | (206,973) |
| Adjustments in expired accounts.... | (143) | | | | | | | |
| Outlays..... | 249,511 | | 410,812 | | 341,016 | | | (25,322) |

INTRODUCTION

Ms. PELOSI. Testifying on behalf of the Justice Department is Associate Deputy Attorney General, Michael Carey.

Mr. Carey, we will place your biography and written testimony into the record and ask that you proceed with your statement.

GENERAL STATEMENT

Mr. CAREY. Madam Chairman, it is a real pleasure for me to be here with you today, and I might ask how much time you anticipate for this, so I can gauge my opening statements appropriately. I am prepared to cut them as short as possible to leave room for questions.

Ms. PELOSI. Well, proceed at your own pace.

Mr. CAREY. Yes. Let me first begin by introducing Frederick Kramer who has been with the program since 1984 and has quite an institutional knowledge of the program.

I am here in support of what the Administration considers to be one of the most successful Federal law enforcement programs, and I am here, not only as a representative of the Department, but as someone who for, the last 10 years, has actually been out in the field and has had the experience of working through OCDETF and prosecuting OCDETF cases.

I would certainly like to take this opportunity to express our appreciation for the support Congress has provided to the program.

OCDETF BACKGROUND

The purpose of OCDETF is to disrupt and dismantle significant drug trafficking organizations, which exist in this country, and to deprive them of their assets through forfeiture. The 13 regional task forces across the country target the highly-complex criminal organizations that operate across jurisdictional boundaries, which use a variety of criminal techniques to protect their ill-gotten gains through sophisticated financial arrangements.

Through their participation in the OCDETF program, State and local law enforcement agencies can also gain access to a larger intelligence base and increase skills and expertise.

An OCDETF case, by definition, is a multi-agency case involving Federal, State and local law enforcement agencies which bring with them specific capabilities as warranted by the circumstances of the investigation.

Because of the highly-organized and complex nature of drug oriented criminal enterprises, the scope of these cases often goes beyond traditional jurisdictional boundaries. In fact, approximately 80 percent of task force cases involve more than one judicial district, and over one-third are international in scope.

In all OCDETF task force investigations, the financial aspects of the case are also explored with the same fervor as the drug trafficking violation. Perhaps the hallmark of OCDETF is that the structure results in a cooperative effort among all agencies.

I would like to take a moment just to identify what I consider to be the main strengths. One is that it is decentralized. Only 61 out of the total 4,500 dedicated personnel are located in Washington.

It is a task force concept which brings together the various expertise of all the participating agencies; it is flexible because it is regionally based; it can identify targets in a region which are most appropriate for attack; and, perhaps as important as any, it involves the Assistant United States Attorneys early on in the investigation, because they must submit the request for task force designation in the participating investigation to make certain that they are legally sufficient and are headed for the right goals.

And second and lastly, it involves State and local participation, which is an incredible resource on various parts of the country, particularly my home State of West Virginia where, without the OCDETF program, we really wouldn't have a significant presence from a law enforcement standpoint.

The accomplishments of the program are a multitude of cases in terms of numbers as well as quality. I have the statistics in my long testimony, and I will leave that for the record.

HIGH INTENSITY DRUG TRAFFICKING AREAS

The other thing I would like to mention before the budget request is the relationship to HIDTA, which is a separate funding item relating to five specific areas—four major cities run by the Department and the southwest border by the Treasury Department.

I wanted the Congress to know that HIDTA is completely integrated in the OCDETF program so that there is no duplication of resources, and that that money is spent to comply with the President's guidelines.

1993 REQUEST

Now, as to the 1993 request, the 1993 request for the program totals 4,570 reimbursable positions, 4,226 reimbursable workyears, and, a little over \$399 million. This includes resources for drug law enforcement, prosecution, and a minimal amount for administrative support for the 12-member agencies.

The request for the Organized Crime Drug Enforcement Task Force Program includes a program increase of \$20.6 million over the 1993 base. This increase will provide additional agents for the investigation of major internationally-based drug trafficking organizations, such as the Colombian/South American, Mexican, and Asian groups, increased focus on investigations involving significant regional drug trafficking groups, more investigators for undercover operations, more agents to track aliens involving drug trafficking, additional personnel to work on the money laundering and financial crimes that go hand in hand with drug activities, and additional funding to attack the growing number of violent gangs, to combat the overall increase in narcotics-related violence, and to perform increased narcotics-related firearms investigations.

And, most importantly, it will provide for more attorneys to prosecute these cases which are investigated by the task force. Funding is also included for the first time for Financial Crimes Enforcement Network, FinCEN, as the 12th participant in the OCDETF program. These program increases, which will be shared among the participating agencies, will provide 205 additional agents and 47

new attorneys for these investigations. Also included within the budget request are mandatory adjustments totaling \$15.2 million. The program increases of \$20.5 million will fund 390 reimbursable positions and 102 workyears.

As it relates to the DEA, we are asking for a program increase of 59 reimbursable positions, including 47 agents; 15 reimbursable workyears; and \$4.2 million.

For the FBI, a program increase of 109 reimbursable positions representing 66 agents, 28 reimbursable workyears, and a total of \$6 million. For INS, a program increase of 22 reimbursable positions, reflecting 22 agents, 6 reimbursable workyears, and \$1.3 million.

IRS has a program increase of 64 reimbursable positions relating to 46 agents, 16 workyears, and \$3.0 million. Customs Service program increase of 19 reimbursable positions, representing 15 agents; five reimbursable workyears and \$1 million.

The request for ATF includes a program increase of 10 reimbursable positions, representing nine agents, two reimbursable workyears, and \$.7 million.

FinCEN has a program increase of 14 reimbursable positions, four workyears, and \$495,000.

For the United States Attorneys, the requested program increase is 89 reimbursable positions, representing 44 attorneys, 23 workyears, and \$3.5 million.

The Tax Division has a program increase of three reimbursable positions, representing two attorneys, two workyears and \$229,000. In the Executive Office the request is for one reimbursable position, one workyear and \$39,000.

CLOSING COMMENTS

Let me simply conclude my opening remarks by telling you, from a personal standpoint as well as on behalf of the Department, that by targeting high-powered drug organizations and the high-level figures leading them, the OCDETF program has demonstrated a capability to strike at the heart of illegal drug trafficking in this country. However, there is much more to be done. By initiating the investigations that demand a high degree of interagency collaboration, the task force program is drawing on the expertise of its members in a way never achieved before. By making the fullest use of all the techniques of financial investigations, the task forces have successfully prosecuted traffickers who could not have been reached in any other way. The evidence is persuasive that the use of this model and its strategy does work and it does undermine, damage, and destroy major drug trafficking organizations.

Finally, I can personally assure you that the Attorney General and the Secretaries of the Departments of Treasury and Transportation fully support this request, and I would be glad to answer any questions that the Chairman might have.

[Mr. Carey's biography and prepared statement follow:]

BIOGRAPHY

MICHAEL W. CAREY

Michael W. Carey has served as the United States Attorney for the Southern District of West Virginia since December 1986. Since August 1991, he has also served as one of two principal Associates to the Deputy Attorney General. From 1980 to 1986, Mr. Carey was an Assistant United States Attorney in the Southern District of West Virginia.

Mr. Carey's first job in the legal profession was as a clerk for the Honorable John A. Field, Jr., Senior Circuit Judge for the United States Court of Appeals for the Fourth Circuit from 1979-1980.

Mr. Carey received his law degree from West Virginia University College of Law in 1979 where he graduated first in his class and served as Editor-in-Chief of the West Virginia Law Review. He received his B.A. degree from Virginia Polytechnic Institute and State University in 1976.

In 1989, Mr. Carey was selected "West Virginian of the Year" by the Charleston Gazette-Mail and in 1991 was awarded a United States Attorney's flag by Attorney General Dick Thornburgh for his efforts in prosecuting public corruption. Mr. Carey also serves as the Chairman of the Public Corruption Subcommittee of the Attorney General's Advisory Committee.

Mr. Carey and his wife Annette live in Charleston, West Virginia with their children, Patrick, 4, Stephen, 2, and John, 7 months.

DEPARTMENT OF JUSTICE
ORGANIZED CRIME DRUG ENFORCEMENT

STATEMENT OF
ASSOCIATE DEPUTY ATTORNEY GENERAL
MICHAEL W. CAREY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am very pleased to be here today to testify before you in support of what the Administration considers to be the country's most successful Federal/State and local law enforcement program today --- the Organized Crime Drug Enforcement (OCDE) Task Force program. I would like to take this opportunity to express our appreciation for the support Congress has provided in the past.

For the years 1985 - 1989, resources for the Organized Crime Drug Enforcement (OCDE) Task Forces were appropriated directly to the participating agencies. Beginning in 1990, Congress has appropriated Task Force resources directly to an OCDE appropriation. OCDE resources are now provided to the member agencies from this appropriation through a reimbursable agreement.

For 1993, the Administration is requesting a total of \$399.1 million, which will fund 4,570 reimbursable positions and 4,226 reimbursable workyears. This request includes a program increase of \$20.6 million, which will fund 390 reimbursable positions and 102 reimbursable workyears over the 1993 base.

Before going into the details of our request, I would like to take a few minutes to provide you with some background regarding the OCDE Task Force program approach and to describe the nature of the Program.

BACKGROUND

The goal of the Organized Crime Drug Enforcement Task Forces program, as stated in its guidelines, is "to identify, investigate, and prosecute members of high-level drug trafficking enterprises and to destroy the operations of those organizations."

The coordination of investigative and prosecutorial resources and the sharing of information are at the heart of the OCDE Task Force approach. In an environment in which large-scale drug trafficking networks involve multi-national suppliers, sophisticated money-launderers, and domestic distribution organizations, an approach based on coordinated activity and shared information is imperative. This approach of cooperation and shared information has been nurtured in the context of a concerted effort to develop a consensual or cooperative relationship among participating agencies.

The criteria of selection of Task Force cases are designed to assure that each case chosen is of a type and magnitude that will derive maximum benefit from utilization of the Task Force approach and which merits commitment of Task Force resources. Cases that require the expertise of more than one investigative agency, that involve major drug trafficking figures or organizations, and that

involve activity in more than one jurisdiction are prime candidates for consideration as Task Force cases. The effectiveness of OCDE Task Force case management is materially enhanced by Assistant U.S. Attorney (AUSA) involvement at the early stages of the investigation.

The Executive Review Board chaired by the Deputy Attorney General, is composed of senior officials from agencies of the Treasury, Transportation, and Justice Departments. The Board provides national oversight of the Program. The Washington Agency Representatives Group, composed of high-level managers from each member agency, provides problem resolution research for the Board. The Executive Office for the OCDE Task Forces serves as the first-echelon point of contact when Washington intervention or assistance is required. This office is also responsible for financial management, records management, and maintenance and support to field operations in the 13 OCDETF regions.

The Task Forces are managed on a daily basis at the regional level. The organization of each region has two principal structural components: The Task Force Advisory Committee and the Task Force Coordination Group. The Advisory Committee oversees the Task Force, setting Regional Policy, while the Coordination Group provides daily management services for the Task Force.

Each regional Advisory Committee is composed of all the region's United States Attorneys, the Assistant United States Attorney (AUSA) Task Force Coordinator, the Lead Task Force Attorneys in the non-core Districts, the coordinators for each

participating agency, and the senior regional representatives of those agencies. As the Senior Official responsible for each Task Force's performance, the Core City United States Attorney chairs the Committee and supervises the AUSA Task Force Coordinator.

The Task Force Coordination Group plays a central role in coordinating the OCDE Task Force program. Consisting of the AUSA Task Force Coordinator, coordinators from each participating Federal agency, and representatives from State or local law enforcement organisations, the Coordination Group evaluates and approves or disapproves cases proposed for Task Force designation. The Coordination Group reviews the use of Task Force resources, monitors the progress of all OCDE Task Force investigations and resolves disputes, and facilitates cooperation between agencies and among regions.

In the non-core Districts, District Drug Enforcement Coordination Groups review investigation selection, resource allocation, and the progress of Task Force efforts. Each non-core city United States Attorney selects an AUSA to serve as Lead Task Force Attorney for the district. This Lead Task Force Attorney coordinates case selection and monitoring with representatives of the participating agencies, is responsible for reporting district activities, and serves as liaison with the Core City Task Force office.

From the Program's inception, State and local law enforcement elements have worked closely with the Task Forces. The "Guidelines" promote the coordinated involvement of State and local

authorities in investigating, apprehending, and prosecuting major drug traffickers and their organizations. The increase in State and local participation significantly expands the available resources and broadens the choice of venue for prosecution.

Four features facilitate such coordination within the OCDE Task Force program. First, States and localities are eligible for reimbursement from the Federal Government for designated expenses incurred when they participate in Task Force cases. Second, State and local enforcement officials can be deputized as Federal officers under appropriate circumstances. Third, the OCDE Task Force program facilitates the cross designation of attorneys, with designated Federal attorneys participating in State prosecutions and State attorneys in Federal prosecutions. Finally, the OCDE Task Force program contributes to the equitable sharing of assets forfeited by drug traffickers. Many asset seizures and forfeitures would not have happened without the support and teamwork afforded through the OCDE Task Force program.

ACCOMPLISHMENTS

The OCDE Task Force program strategy has been able to immobilize drug trafficking and money laundering organizations by prosecuting and incarcerating organization members or, where appropriate, extraditing or deporting them and by divesting them of their power through forfeiture of organizational and individual assets. The OCDE Task Force program has attacked organized drug trafficking from the top, instituting in-depth investigations

leading to the prosecution and conviction of the highest level drug traffickers. The Program's member agencies, acting in concert with numerous State and local agencies, have disabled major drug trafficking organizations by removing the key individuals who provided these organizations with leadership, capital, and expertise.

The OCDE Task Force program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions have demonstrated the efficacy of the OCDE Task Force's operational model.

In the years since its creation, the OCDE Task Force has established itself as the "flag ship" of the Federal drug enforcement effort. The National Drug Control Strategy recognizes the success of the OCDETF model and continues to reaffirm its role in directing thorough, imaginative, and wide-ranging assaults on the movements and activities of drug dealers. It also provides one of the crucial links between Federal and State authorities, thereby enhancing the exchange of information and enforcement strategies.

1992 marks the 10th anniversary of the OCDE Task Force program. During the first nine years of operation, the Task Forces have recorded impressive results. From its inception late in 1982 through September 30, 1991, the Program has initiated 4,218 investigations resulting in 10,882 indictments or informations.

22,416 individuals have been convicted and 18,719 or 83.5 percent have been incarcerated with an average sentence of eight years. During this same period, \$807 million in cash and \$1.297 billion in property have been seized.

Reflective of the OCDE Task Force Program's administrative performance, the administration of the Department of Justice's portion of the High Intensity Drug Trafficking Areas (HIDTA's) program was placed under the auspices of the Executive Office for the OCDE Task Force program beginning in December of 1990.

The Attorney General has instructed personnel assigned to the High Intensity Drug Trafficking Areas (HIDTA's) of Houston, Texas; Los Angeles, California; Miami, Florida; and New York/New Jersey to direct their energy and the use of their HIDTA funds to the highest level drug trafficking and related criminal organizations. He further directed the personnel under his command to insure that the HIDTA and OCDE Task Force programs in those areas were mutually complementary and supportive.

To this end, personnel have structured HIDTA initiatives to meet the Office of National Drug Control Policy's priorities of financial disruption, technology utilization, intelligence, and violent drug-related criminal activity by targeting criminal organizations within the Guidelines of the OCDE Task Force program. All major investigations within the HIDTAs are well coordinated with all OCDE Task Forces and focus the resources of HIDTA, OCDE Task Forces, and general funds to attack the highest level drug traffickers organization.

By consistently monitoring and refining the management process, the OCDE Task Force program has reached an enviable level of maturity and productivity. It has become the model for comprehensive and well coordinated efforts to deal with major drug trafficking and drug-related criminal activities. By overcoming past fears of working together, Federal, State, and local law enforcement and prosecution agencies have proven that their combined and coordinated efforts can be successful in attacking major drug crime organizations at their roots and that they can be permanently disabled or destroyed.

The successes of 1991 are a prediction of even greater positive results for the new decade. The OCDE Task Force program has proven that good management coupled with skill, dedication, and the willingness to respond to the dynamics of a changing world are powerful tools in the fight against criminal drug activity.

ADMINISTRATION REQUEST

The 1993 request for the OCDE Task Force program totals 4,570 reimbursable positions, 4,226 reimbursable workyears and \$399.1 million. This includes resources for drug law enforcement, prosecution, and administrative support for the twelve member agencies. The request for the OCDE Task Force program includes a program increase of \$20.6 million over the 1993 base. This increase will provide additional agents for the investigation of major internationally-based drug trafficking organizations such as the Colombian/South American, Mexican, and Asian groups; increased

focus on investigations involving significant regional drug trafficking groups; more investigators for undercover operations; more agents to track aliens involved in drug trafficking; additional personnel to work on the money laundering and financial crimes that go hand-in-hand with drug activities; additional funding to attack the growing number of violent gangs, to combat the overall increase in narcotics-related violence, and to perform increased narcotics-related firearms investigations; and more attorneys to prosecute those caught by Task Force activity. Funding is also included to add the Treasury's Financial Crimes Enforcement Network (FinCEN) as the 12th participant in the OCDE Task Force program.

These resources, which will be shared among the OCDE Task Force's participating agencies, will provide 205 additional agents and 47 new attorneys to focus on the most complex internationally-based and multi-jurisdictional drug trafficking organizations. Included within the OCDE Task Force's 1993 increase are net mandatory adjustments totaling \$15.2 million and program increases totaling \$20.6 million, which will fund 390 reimbursable positions and 102 reimbursable workyears. The requested program increases will provide:

- Drug Enforcement Administration (DEA): A program increase of 59 reimbursable positions (47 agents), 15 reimbursable workyears and \$4.2 million is requested for DEA. For the DEA, increased resources are needed to expand its presence in both core and non-core cities to implement the directives of the Office of National Drug Control Policy, Kingpin Strategy, Heroin Strategy, and DEA's Strategic Management System program objectives.

- Federal Bureau of Investigation (FBI): A program increase of 109 reimbursable positions (66 agents), 28 reimbursable workyears and \$6.0 million is requested for the FBI. For the FBI, these additional resources will support its Regional Action Plan. This initiative is designed to enhance the abilities of field offices in Level III and IV cities to trace the flow of drugs to the source and provide intelligence critical to dismantling major international drug trafficking groups.

- Immigration and Naturalization Service (INS): A program increase of 22 reimbursable positions (22 agents), 6 reimbursable workyears and \$1.3 million is requested for the INS. For the INS, the requested enhancement will reduce the need to divert non-OCDE Task Force agents to OCDE Task Force casework.

- Internal Revenue Service (IRS): A program increase of 64 reimbursable positions (46 agents), 16 reimbursable workyears and \$3.0 million is requested. The enhancement requested for the IRS will enable the agency to improve compliance with the Bank Secrecy Act through increased financial targeting, expanded undercover operations and increased verification of compliance, particularly for non-bank financial institutions. Further, additional resources will allow the IRS to participate in a larger number of money laundering investigations, intensify enforcement activity in the High Intensity Drug Trafficking Areas, and increase the number and amount of narcotics-related seizure and forfeiture actions.

- U.S. Customs Service: A program increase of 19 reimbursable positions (15 agents), 5 reimbursable workyears and \$1.0 million is requested for the U.S. Customs Service. Customs agents working Title 21 drug smuggling investigations and drug-related money laundering investigations under cross-designation authorized by a 1990 Customs/DEA agreement have generated increased workload of OCDE Task Force quality cases. The enhancement requested for the U.S. Customs Service will help the agency meet a portion of the increased workload.

- Bureau of Alcohol, Tobacco and Firearms (BATF): A program increase of 10 reimbursable positions (9 agents), 2 reimbursable workyears, and \$.7 million is requested. For the BATF, enhancements are required to address the on-going street gang problem, the overall increases in narcotics-related violence, and the increase in narcotics-related firearms investigations. Further, additional resources would be used to assist in the identification of weapons bought, sold, and used by narcotics dealers.

- Financial Crimes Enforcement Network (FinCEN): A program increase of 14 reimbursable positions, (1 attorney) 4 reimbursable workyears, and \$.5 million is requested. The enhancement requested will provide a core staff element dedicated to OCDE Task Force cases to provide multi-source, multi-discipline, and multi-agency financial intelligence analysis to target and destroy major narcotic and money laundering organizations. The program increase will supplement personnel at FinCEN already dedicated to support the OCDE Task Force program.

- United States Attorneys: The requested program increase for the U.S. Attorneys is 89 reimbursable positions (44 attorneys), 23 reimbursable workyears and \$3.5 million. The enhancement will respond to the escalating OCDE Task

Force workload caused by the initiation of additional complex long-term investigations; the expanding use of labor intensive investigative tools; and rapidly increasing appeals encouraged by the penalties in the Anti-Drug Abuse Act of 1988. Approval of these additional resources will enable the OCDE Task Force program to maintain a ratio of one attorney for every four agents.

- Tax Division: A program increase of 3 reimbursable positions (2 attorneys), 2 reimbursable workyears, and \$.2 million is requested. Enhanced resources are required for the Tax Division to address caseload increases resulting from expanded OCDE Task Force money laundering investigations.
- Executive Office: A program increase of 1 reimbursable position, 1 reimbursable workyear, and \$.04 million is requested. This modest increase will allow the Executive Office to provide the proper administrative support for the OCDE Task Force program, which has experienced steady operational growth during the last few years.

CLOSING COMMENTS

By targeting powerful drug organizations and the high level figures leading them, the OCDE Task Force program has demonstrated

a capability to strike at the heart of illegal drug trafficking. By initiating investigations that demanded a high degree of interagency collaboration, the OCDE Task Force program has drawn on the expertise of its members in a way never achieved before. By making the fullest use of all of the techniques of financial investigations, the Task Forces have successfully prosecuted traffickers who could have been reached in no other way. The evidence is persuasive that use of this model and its strategy does undermine, damage, and destroy major drug trafficking organizations.

Finally, I would like to assure you that the Attorney General and the Secretaries of the Departments of Treasury and Transportation are fully supportive the Program, and they are looking forward to assisting the agency heads in effectively expanding the OCDE Task Force resources to maximize the accomplishments of the Program. I want to acknowledge the support of this Subcommittee and thank each of you for your interest. I will be pleased to answer questions at this time.

GROWTH OF OCDETF

Ms. PELOSI. Thank you very much, Mr. Carey.

The OCDETF has been around for approximately 10 years. Over that time period, what has been the growth in personnel and funding?

Mr. CAREY. In 1983, its first year of operation, the OCDETF budget amounted to approximately \$113 million, representing 800 workyears and 1,600 positions. In 1992, the budget is \$363 million, 4,050 workyears, AND 4,185 positions. Our request would increase that to \$399 million, 4,226 workyears, and 4,570 positions.

Ms. PELOSI. So it has been a fivefold increase.

Mr. CAREY. That is correct, Madam Chairman.

ORGANIZED CRIME ORGANIZATIONS

Ms. PELOSI. In your statement, you talk about the number of investigations, indictments and convictions which you have achieved. While this is impressive, they do not provide any insight into the accomplishments in the area you were established for, organized crime organizations.

Can you provide us with any examples of organized crime organizations you have stopped or seriously disrupted as a result of OCDETF actions? You may expand for the record if you like.

Mr. CAREY. We have a multitude of examples and I will be glad to do that. I can give you two or three that are really descriptive of our efforts. One is the El Rucan organized crime group in Chicago, which has been described basically as a paramilitary group. It was charged with racketeering conspiracy, drug trafficking, murder—we estimate 20 murders occurred—extortion, robbery, fraud, and kidnapping. They operated under a variety of names from 1966 through 1991. Last year that organization was brought down by charging 65 defendants. To date, 50 have been convicted, five are awaiting trial and five are fugitives. We consider the El Rucans basically to be dismantled as an organized crime group.

In Oakland, California, we charged 15 people who are members of what is termed the Bluit organization, which was a continuing criminal enterprise that was involved in major trafficking of cocaine, heroin, counterfeiting, firearms violations, and murder. They had succeeded a previous gang which existed in the late 1980s. Those prosecutions are pending, and we believe that if they are successful, we will virtually eliminate the Bluit organization.

In the operation Isle of Man in Miami, was a group of individuals who were involved in an importation scheme for marijuana. We believe that they imported over 500,000 pounds of marijuana from 1986 to 1992 and had offshore financial deposits in a variety of countries like Liechtenstein, Switzerland, England, and Hong Kong. Through the prosecution of 10 individuals, we have convicted one bank president who tried to influence the testimony of a grand jury witness, five who tried to affect the helicopter escape of these individuals, and the four principal members who were convicted of

those offenses. The important aspect of this investigation is how we dismantled their financial assets. We forfeited a casino, over \$130 million, which is the single largest asset forfeited in the United States.

[The information follows:]

ORGANIZED CRIME DRUG ENFORCEMENT

TASK FORCES

SELECTED MAJOR CASE SUMMARIES

TABLE OF CONTENTS

| <u>TASK FORCE</u> | <u>PAGE</u> |
|-----------------------------|-------------|
| 1. Florida/Caribbean..... | 1-5 |
| 2. Great Lakes..... | 6-8 |
| 3. Gulf Coast..... | 9-11 |
| 4. Los Angeles/Nevada..... | 12-16 |
| 5. Mid-Atlantic..... | 17-18 |
| 6. Mountain States..... | 19-21 |
| 7. New England..... | 22-23 |
| 8. New York/New Jersey..... | 24-30 |
| 9. North Central..... | 31-35 |
| 10. Northwest..... | 36-41 |
| 11. South Central..... | 42-44 |
| 12. Southeast..... | 45-48 |
| 13. Southwest..... | 49-58 |

1032

TAB A

Florida/Caribbean

OPERATION ISLE OF MAN

The Florida/Caribbean Region is proud of the Organized Crime Drug Enforcement Task Force (OCDETF) case, "Operation Isle of Man," a RICO/tax prosecution involving the importation of more than 500,000 pounds of marijuana.

The Kramer case began in mid-1986 with the merging of an on-going IRS investigation with a newly formed DEA OCDETF operation known as "Isle of Man." This operation was a unique blend of the investigative talents of the Internal Revenue Service (IRS), Drug Enforcement Agency (DEA), and New Scotland Yard. During the course of the Kramer investigation, over 100 grand jury subpoenas were issued and over 32,000 documents secured. These documents provided the basis for the financial trial which led from the cash profits of marijuana sales in the United States, through offshore corporations in Liechtenstein, Switzerland, London, Hong Kong, and Tortolla, and eventually back to the United States in the form of freshly laundered "legitimate" loans. On the basis of all of the information and evidence presented to it, a Miami Federal Grand Jury returned indictments against the Kramer Organization defendants for RICO and tax violations in November of 1987. That indictment was then superseded in December of 1988, to additionally upgrade one of the defendants, also to a RICO conspirator.

During Kramer pre-trial preparations, it became evident that an attempt had been made to influence the testimony of a previous grand jury witness. Robert Bondi, the AUSA handling the case immediately responded to this and, after a short, intense investigation, indicted the former president of a major regional California bank for obstruction of justice, United States v. Jules Huppert. In March 1989, after a two-week trial, Jules Huppert, former president of the Valley State Bank of Encino, California, was convicted by a jury of two counts of obstruction of justice. Mr. Huppert is currently serving a three year prison term at a federal prison facility in California.

Shortly after the Huppert trial was over, the lead defendant in the Kramer case, Benjamin Kramer, attempted a spectacular helicopter escape from the Federal Metropolitan Correctional Center (MCC) in Miami. Mr. Bondi immediately reacted to this new development by again spending many hours working side-by-side with DEA, IRS and the United States Marshal's Service investigating this escape attempt. This included many late night hours listening to countless monitored phone calls at MCC and conducting extensive interviews at the prison ward of Jackson Memorial Hospital. As a result of this, Benjamin Kramer; his brother, Marc; former Kramer cellmate, James Marren; Kramer employee, August Zona and the helicopter pilot Charles Stevens were indicted on numerous charges related to the ill-fated escape attempt. Although four defendants plead guilty, James Marren went to trial and was convicted in mid-1989, for his part in the escape attempt.

The RICO money laundering and tax violations in the Kramer case were built totally from circumstantial evidence gleaned for the most part from a mountain of financial documents. To launder their massive drug profits, the Kramer organization actually utilized four separate and distinct money laundering schemes, each with its own "players" and its own documents.

On March 28 and 30, 1990 the jury returned their verdicts concluding the three month trial within which over 60 witnesses testified and over 6,000 documents were introduced into evidence as part of over 1,000 separate Government exhibits. By their verdicts, the jury convicted Benjamin Kramer; his father, Jack Kramer; their attorney, Melvyn Kessler, and California businessman, Michael Gilbert of racketeering and tax violations resulting from profits. On April 3, 1990 the jury also ordered the forfeiture to the United States of the Bell Gardens Bicycle Club Casino, which is currently valued, net of encumbrances, at over \$130 million, and represents the largest single asset ever forfeited to the United States in any criminal proceeding.

The conviction of Benjamin Kramer, who is a former world and national offshore power boat racing champion, and the forfeiture of the Bicycle Club has generated extensive favorable publicity for the United States and the OCDEF program.

UNITED STATES V. PENA, DURANGO AND DURANGO ET AL.

The Florida/Caribbean Region is pleased with the Organized Crime Drug Enforcement Task Force (OCDETF) case, United States v. Pena, Durango and Durango, a narcotics distribution prosecution involving a new method of distributing cocaine base. This new method of secreting cocaine base in a form of plastic could have severely impaired detection of narcotics coming into the country.

On May 23, 1991, agents of the Federal Bureau of Investigation (FBI) and Florida Department of Law Enforcement, armed with federal search warrants, searched locations in Miami and West Palm Beach, Florida, and seized approximately 355 pounds of black plastic-appearing tubes which actually consisted of 15% cocaine base. The tubes were completely homogeneous in physical appearance. If cut in half, the pieces would look the same throughout. The tubes were formed into harmless shapes which looked like electrical or water tubing. Narcotics dogs would generally not alert to the pieces, and field tests would not yield a "cocaine present" reading.

As a result of the search warrants, the agents also found all the trappings of a cocaine processing laboratory, complete with everything from the chemicals necessary to extract the cocaine base from the plastic camouflage, to the cocaine kilogram presses used to shape the cocaine into its kilogram weight and typical brick shape for final delivery.

As a result of the efforts of the various agencies, and the seizure and the indictment of the five Colombian nationals involved, South Florida has one less cocaine processing laboratory to worry about.

OPERATION COCOPLUMUNITED STATES V. RAMON PUENTES, INDALECIO IGLESIAS ET AL.

Ramon Puentes was extradited to the United States on drug importation charges following his provisional arrest in Uruguay in April of 1991 arising from the Organized Crime Drug Enforcement Task Force (OCDETF) investigation dubbed "Cocoplum". Together with his partner Andy Iglesias, Puentes operated one of the top cocaine importation and distribution networks in the United States during the 1980's with direct ties to Pablo Escobar and Jorge Ochoa of the Medellin Cartel.

Puentes Iglesias and Republic National Bank president Frederick de la Mata were also indicted together on money laundering and bribery charges arising from de la Mata's approval of an \$800,000 mortgage on a luxury property belonging to Iglesias which was issued shortly before the indictment in this case. The government eventually seized the \$1.2 million house and resisted efforts by Republic Bank to recover the \$800,000 claiming Republic Bank was not an innocent claimant in the ensuing civil forfeiture action.

Following their indictment in 1988, Puentes and Iglesias fled the United States and resettled in Argentina and Spain, respectively, under assumed names. According to published accounts, Puentes and Iglesias continued to export cocaine to the United States and Europe, and launder cash through Europe, North America and South America. Officials in Spain and Uruguay detained Puentes and Iglesias on international arrest warrants arising from their indictment in Miami, Florida. In newspaper interviews after this arrest, Iglesias implicated the in-laws of Argentine president Carlos Menem and other high ranking government officials in a scheme to launder drug proceeds in Argentine and Uruguayan banks on behalf of Puentes and Iglesias.

This trial is currently set for April 13, 1992 against Ramon Puentes and his two sons on cocaine and money laundering charges. The government is currently pursuing the extradition of Iglesias from Spain.

OPERATION ISLE OF MAN. IIUNITED STATES V. AUGUSTO "WILLIE" FALCON, SALVADOR MAGLUTA, ET AL.

A continuation of the Organized Crime Drug Enforcement Task Force (OCDETF) investigation dubbed "Isle of Man", this case led to the indictment and arrest of Willie Falcon and Salvador Magluta who are charged with the importation and distribution of at least 68,000 kilograms of cocaine and the acquisition of over \$2 billion in drug proceeds. The Falcon, Magluta drug network began in the late 1970's and became one of the top five cocaine importers in the world, with direct ties to Pablo Escobar and the Medellin Cartel. While trafficking in cocaine, Falcon and Magluta also maintained a high profile in the national powerboat racing circuit. Falcon won the 1986 offshore challenge and Magluta won three national championships. Since 1988 until their arrest in South Florida in October of 1991, Falcon and Magluta were wanted on arrest warrants arising from charges in four different jurisdictions stretching from California to Florida.

Falcon and Magluta are charged with operating a continuing criminal enterprise, conspiracies to import and possess cocaine, and nineteen substantive counts. Upon conviction, Falcon and Magluta face mandatory life terms. The government has also criminally indicted sixteen properties belonging to the Falcon-Magluta organization valued at approximately \$30 million.

This case is set for trial beginning October 19, 1992. Albert Krieger, who is presently defending reputed mafia boss John Gotti in his federal racketeering trial in New York, will represent Willie Falcon. Frank Rubino, the defense attorney for Manuel Noriega, will appear on behalf of co-defendant Antonio Garrudo, Falcon's brother-in-law. Jeffrey Weiner, president of the National Criminal Defense Lawyers Association, represents yet another co-defendant.

1038

TAB B

Great Lakes

EDWARD (BIG ED) HANSERD CASE

"Big Ed" Hanserd was known to Detroit Police and other local agencies as an extremely violent high level cocaine dealer in the Detroit Metropolitan area. Although Hanserd had often been arrested, he had spent little time in jail. Accordingly, the Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco and Firearms (BATF), and the Detroit Police Department joined forces in an Organized Crime Drug Enforcement Task Force (OCDETF) case to put Hanserd out of business.

Hanserd's organization, which is linked to at least six homicides, moved about 200 kilograms of cocaine, worth \$6 million a month since 1984. The cocaine was transported by car from Los Angeles and distributed throughout the Detroit metro area.

Several kilograms of cocaine, bullet-proof vests and more than 100 weapons have been seized, along with the property in Detroit, Los Angeles and Mississippi.

Hanserd battled his way from a small east-side operation to become one of Detroit's foremost drug lords, acquiring hundreds of thousands of dollars - he did not contest several cash seizures totaling more than \$560,000 that state authorities said were drug proceeds.

In August, 1990, an indictment was returned against Hanserd and others charging numerous drug and gun related offenses. Ultimately, Hanserd and eleven others were convicted. Hanserd was sentenced to a total of 40 years imprisonment.

JAMES WARK CASE

James Wark had been known to local police agencies in Macomb County Michigan as a large scale marijuana and cocaine dealer. Although extensive intelligence information existed concerning Wark's drug activities, the local authorities were unable to develop a prosecutable case. Accordingly, in mid-1989, the Michigan State Police and Macomb County Sheriff's Department joined with the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and the Internal Revenue Service (IRS) in an Organized Crime Drug Enforcement Task Force (OCDETF) investigation aimed at Wark.

Undercover agents and informants obtained enough information to obtain a court authorized wiretap of several phones used by Wark and his associates.

As a result of the wiretap, numerous arrest and seizure warrants were executed. This, in turn, led to cooperation from Wark and several of his associates. Ultimately, Wark and 30 other individuals were charged with drug and/or tax offenses. All of these defendants pled guilty and have been sentenced to terms of imprisonment of up to 15 years. In addition to the conviction and incarceration of the entire Wark organization, there have been well over one million dollars in forfeiture obtained as a result of this prosecution.

The total amount of cocaine distributed by Wark's organization was substantially in excess of 100 kilograms.

Part of the reason for the local authorities inability to prosecute Wark was due to the lack of a wiretap law in Michigan and the multiple-jurisdiction reach of the Wark organization. By combining Federal law and Federal resources with the extensive knowledge of the local "turf" of the local police agents, this otherwise untouchable organization was totally destroyed.

OCDETF CASE - NORTHERN DISTRICT OF OHIO

The threat of violence and drug dealing posed by Jamaican Poses caused leadership within the Cleveland Police Department and Bureau of Alcohol, Tobacco, and Firearms (BATF) to contact the U.S. Attorney's Office coordinator in the summer of 1987. During a subsequent meeting of State and Federal law enforcement leaders, it was decided that the threat outstripped the capabilities of any one agency and that a successful response depended upon a brand of cooperation which had not previously been achieved. The Northern District of Ohio's Organized Crime Drug Enforcement Task Force (OCDETF) Program, with its offer of equal treatment and an arsenal of investigative and prosecutive potential, was looked to as the only vehicle capable of hosting such an effort. The result was that a special multi-agency task force was created as a special OCDETF project, known as the Caribbean Task Force (CTF).

The success of the CTF's response to the Jamaican Posse threat led to its later expansion to become the Caribbean/Gang Task Force (CGTF) with representatives from 9 local and 6 federal investigative agencies along with attorneys from the U.S. Attorney and County Prosecutor Offices. The most recent OCDETF case handled by the CGTF involved a Colombian run Continuing Criminal Enterprise responsible for the distribution of scores of kilograms of high quality in and around the greater Cleveland area. (40-50 kilograms per month). Initial tips led local CGTF representatives to initiate difficult and lengthy surveillance which confirmed their suspicions but left them temporarily frustrated with insufficient probable cause to dismantle the organization. Additional financial and technical investigative assistance from member federal agencies resulted in successful efforts to obtain a series of federal wiretaps, which were virtually unavailable in the state system. This elusive ring, known for its stealth and alleged awareness of the ways of law enforcement, was taken down.

Nine of the ten conspirators indicted pleaded guilty, including the "Kingpin" who changed his plea after 2 days of trial even though aware he would receive at least 20 years incarceration. (On December 21, 1991, he received a 27 year sentence). The remaining defendant is a fugitive believed to be a Colombia. As a result of the investigation over \$400,000 in cash and assets will be shared pursuant to the U.S. Attorney General's Equitable Sharing Program. An organization which plagued several area communities was dismantled and other large organizations are now targeted.

1042

TAB C

Gulf Coast

THE ABREGO ORGANIZATION

The prosecution of the 15 defendants charged and convicted in this case dismantled this transportation arm of the "Juan Garcia Abrego Organization" (JGAO). The JGAO has been the single most effective and largest drug trafficking organization in the Southern District of Texas. Although the JGAO is headquartered in Matamoros, Mexico, due to their close association with the Cali Cartel, this international drug trafficking organization is responsible for smuggling, transporting, and distributing an estimated 58 tons of cocaine into and throughout the United States. This has been accomplished through their primary distribution center in the United States - Houston, Texas.

Not only is the JGAO responsible for transporting multi-ton quantities of cocaine but also millions of dollars in United States currency. Houston, Texas was again used as a collection center for drug proceeds from the sale of cocaine from various points across the United States. In multi-million-dollar shipments, the JGAO would transport the currency from Houston to the Rio Grande and then into Mexico.

The activities of the JGAO have been unraveled through the seizure of approximately 11 tons of cocaine in Houston and the Rio Grande Valley, including a seizure of 9 tons of cocaine in Harlingen, Texas. Nearly \$28,000,000 in U.S. currency was seized in three separate seizures in New York, Houston, and Brownsville, Texas. These seizures occurred from January 1989 until April 1990. The inter-workings of the JGAO have also been explored through the debriefings of JGAO members by law enforcement, court authorized wire taps in Houston, Brownsville, Dallas, Texas and New York, and the recovery of documentary evidence through searches and subpoenas.

The JGAO utilized front businesses, coded communications, electronically concealed compartments in vehicles to store cocaine and money, and underground tanks to disguise the true nature of their business. The JGAO further ensured the success of their criminal enterprise through the use of physical force and violence. During 1991, law enforcement became aware of some 23 people being killed in a five-month period in order to further the goals of the drug conspiracy.

Numerous prosecution of individual members of the JGAO have taken place in recent years in the Gulf Coast Region. The investigation which led to the conviction of the 15 JGAO members who were part of this transportation arm resulted in the seizure of approximately 11 tons of cocaine and \$9,200,000. Although these huge sums and quantities were seized, co-conspirator testimony, seized drug ledgers, and other documentary evidence establish this transportation arm alone transported 40 tons of cocaine north and over \$30,000,000 in currency south.

The 1991 trial of this transportation arm resulted in substantial prison sentences. Francisco Javier Narvaez and Roger Eloy Banda, who were convicted of organizing, managing, and supervising this transportation arm under the federal continuing criminal enterprise statute, each received a life sentence with no hope of parole. Other defendants received sentences which will require their imprisonment for several decades for their crimes.

As part of this criminal prosecution, six pieces of property have been seized from the defendants and their interest have been forfeited to the United States. These properties represent criminal proceeds of their drug trafficking activity. These properties included three houses, two lots, and an apartment complex.

THE JARAMILLO ORGANIZATION

The investigation and prosecution of Manuel Jaramillo organization has resulted in the conviction of ten defendants, the seizure of numerous assets of the enterprise, and the dissolution of this organization. The history of this drug ring begins in 1978 when Manuel Jaramillo began selling small quantities of heroin in the Chicago, Illinois area. Through his early associations in the drug business, Jaramillo met individuals who were to ultimately help him form and run this criminal enterprise. Through the years the narcotics trafficking expanded to include marijuana and cocaine, in addition to heroin. The distribution network included the Rio Grande Valley and Houston, Texas; Chico Heights, Illinois; Blue Springs and Kansas City, Missouri; and various locations in North Carolina, South Carolina, Virginia, and Tennessee. Planes, boats, and vehicle outfitted with secret compartments designed to hide narcotics were used to smuggle and distribute drugs.

Extensive money laundering activities were engaged in as well. It is estimated that \$4,000,000 was used to pay the sources of the narcotics in Mexico, purchase vehicles, planes, boats, property, businesses and equipment to facilitate the conspiracy and compensate members of the conspiracy for their participation in the drug trafficking and money laundering scheme. Numerous bank accounts, real estate, vehicles (including aircraft, boats, automobiles, and trucks) and several businesses were seized by the United States as property purchased with drug proceeds and/or used to facilitate the drug conspiracy. Two silver mining companies, S & H Mining, Inc., and La Esperanza Mining were created and used to launder drug proceeds. Approximately \$1,000,000 was laundered through La Esperanza bank accounts.

Conservative estimates indicate this organization imported and distributed 20,000 pounds of marijuana, purchased chemicals capable of producing at least 405 pounds of methamphetamine, and attempted to obtain 85 kilograms of cocaine.

In order to accomplish these smuggling and distribution feats, this organization conducted extensive business in Mexico and South America. One group with which this organization did drug business, the Hernandez-Rivera family of Mexico, resulted in the Jaramillo Organization kidnapping a member of the Mexico group and his two-year-old child. These people were held hostage for narcotics or the equivalent in cash. The Hernandez-Rivera group later became known as the matamoras cult-killers and were responsible for the torture-slayings of at least 20 people.

1046

TAB D

Los Angeles/Nevada

THE CAMARENA CASE

On February 7, 1985, Drug Enforcement Administration (DEA) Special Agent Enrique Camarena-Salazar was kidnapped in front of the United States Consulate in Guadalajara, Mexico. One month later, his tortured body, along with the body of his Mexican pilot, Alfredo Zavala-Avelar, was found dumped by a roadside sixty miles from Guadalajara, near the small town of Zamora. The kidnapping and murder of Agent Camarena and Zavala prompted an investigation of unprecedented difficulty. That investigation has been headed by the DEA, with the cooperation of the Federal Bureau of Investigations (FBI), the United States Customs Service (USCS), and various local agencies.

From the outset of the investigation, the Mexican government's cooperation was less than satisfactory. Three days after the abduction, the Mexican Federal Judicial Police commandante in charge of the investigation permitted the prime suspect, drug lord Rafael Caro-Quintero, to flee Guadalajara airport after an armed confrontation. The commandante was later found to have accepted a bribe from Caro-Quintero. Although dozens of locations were searched by Mexican authorities, no trafficker of significance was found at any such location.

On February 15, 1985, Customs Service Commissioner William van Raab ordered that all persons crossing the border from Mexico be questioned. On March 5, 1985, the bodies of Agent Camarena and Zavala were found near Zamora. Forensic evidence developed by the FBI demonstrated that they had originally been buried in a park outside of Guadalajara, at the same site where the bodies of two American tourists, John Walker and Albarto Radelat, had been found.

Mexican authorities notified the American investigators in April, 1985 that they had found a house in Guadalajara where Agent Camarena might have been taken after his abduction. When the DEA and FBI investigators arrived, the house had been thoroughly cleaned. Nevertheless, FBI forensic analysts were able to gather hair and fiber evidence before the Mexican authorities halted their investigation. This hair and fiber evidence proves conclusively that Agent Camarena and Zavala were held at that location, and that particular individuals were present at the location, including defendants Rene Martin Verdugo-Urquidez, Sergio Espino-Verdin, and Juan Ramon Matta Ballesteros.

The first indictment was returned in Los Angeles in 1987. Six superseding indictments have followed. In all, twenty-two persons have been indicted, including the former Director of the Mexican Federal Judicial Police, Manuel Ibarra, the former Head of Interpol in Mexico, Miguel Aldana, as well as the Mexican commandante responsible for investigating the Camarena abduction. The investigation has revealed a drug trafficking organization in Mexico of incredible proportions, cultivating billions of dollars

worth of marijuana and transporting hundreds of millions of dollars worth of cocaine. Most importantly the investigation has for the first time demonstrated that significant elements of the Mexican government not only facilitated and participated in such activities, but that some of the highest ranking law enforcement officials in the country joined in the very planning of Agent Camarena's kidnapping and the cover-up that followed. No clearer case has been made of the corruption engendered by international narcotics trafficking and the dangers and difficulties of waging the war against drugs in other countries.

Seven persons have been convicted to date in two trials. Five have received sentences of life imprisonment, while a sixth defendant who was convicted as an accessory after the fact received the maximum sentence of ten years imprisonment. One defendant has been granted a new trial. Fourteen defendants remain fugitives.

UNITED STATES V. JAIME DIAZ-ASPINA, ET AL.

On November 1, 1991, a federal grand jury returned an indictment charging fourteen defendants with conspiracy to distribute over 1600 kilograms of cocaine. The case involved eight seizures of cocaine between July and September 1991 in Los Angeles, Orange and San Bernardino Counties.

The case resulted from an investigation conducted by the Anaheim Police Department, the Fullerton Police Department and the United States Customs Service (USCS). Between July and September 1991, investigators observed the defendants transport cocaine to a stash house where it was counted and repackaged for distribution. The cocaine was then loaded into vehicles which defendants passed on to co-conspirators for distribution. Searches of the load vehicles and locations to which the vehicles were transported yielded approximately 1000 kilograms of cocaine. A September 12, 1991 search of the stash house yielded 655 kilograms of cocaine.

Ten of the fourteen charged defendants were apprehended and are presently in custody. Eight of the ten have pled guilty and are awaiting sentencing. The trial of the two remaining defendants is scheduled to begin February 25, 1992.

UNITED STATES V. FERNANDO LANDIVAR LOPEZ

On May 15, 1991, federal and local law enforcement officers seized over 1,300 kilograms of cocaine in Whittier, California. Approximately one week later, an additional 581 kilograms of cocaine were seized in Cerritos, California as a result of evidence obtained from the first Whittier seizure.

The case resulted from an OCDETF investigation involving an undercover business which was set up to provide various "services" to narcotics traffickers, including paging devices, rental properties, domestic transportation services and immigration documents. In December 1990, defendant Fernando Landivar Lopez, a Bolivian drug trafficker, contacted the undercover business and requested assistance in setting up a distribution network for his cocaine in the Los Angeles area. After this initial contact, defendant Landivar continued to have contact with the undercover Los Angeles Police Department officer who initially answered the telephone. During the course of those contacts, defendant Landivar Lopez negotiated to sell multi-kilogram quantities of cocaine to the undercover officer. As a result of those negotiations law enforcement officers were led to a "stash house" in which the 1,300 kilograms of cocaine were stored. Seven individuals have been indicted in this case and trial is scheduled to begin on March 17, 1992. The investigation was conducted by agents of the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Immigration and Naturalization Service (INS), United States Customs Service (USCS) and officers of the Los Angeles Police Department.

UNITED STATES V. CANDELARIO BELTRAN MEZA ET AL.

Seven defendants are charged in this case which involves a conspiracy to possess with intent to distribute approximately 2,298 kilograms of cocaine. The defendants in this case transported the cocaine from Mexico in two motorhomes containing hidden compartments. Five of the defendants were arrested after local law enforcement officers surveilled them unloading the cocaine from the motorhomes at Fontana Motor Sales, an auto dealership in Fontana, California. All seven defendants are scheduled for trial on April 28, 1992. The case resulted from an Organized Crime Drug Enforcement Task Force (OCDEF) investigation conducted by the Federal Bureau of Investigation (FBI) and Los Angeles Police Department.

1052

TAB E

Mid-Atlantic

THE TABAR ORGANIZATION

Amin "Amir" J. Tabar operated a cocaine distribution organization in the Washington, D.C., Northern Virginia and Maryland areas from approximately March 1987 through February 16, 1989, the date of his arrest. This organization was responsible for the distribution of over 100 kilograms of cocaine and a significant quantity of opium and heroin in the Eastern District of Virginia and elsewhere. The organization generated in excess of \$ million dollars in gross profits and involved in excess of 50 individuals during its operation. Tabar utilized several businesses, including two used car dealerships, to facilitate his cocaine distribution organization and to disguise drug derived proceeds through money laundering activities. The Federal Bureau of Investigation (FBI) operated Title II wiretaps at multiple locations for 6 months to infiltrate this organization. Amin Tabar had three main sources of supply for his cocaine, one of who was Farshad Ramazani, who also pled guilty to his involvement in this conspiracy. Farshad Ramazani distributed hundreds of kilograms of cocaine from Los Angeles, California to areas throughout the United States, including Denver, Colorado, Tennessee, Dallas, Texas, and Norfolk, Virginia. The United States forfeited in excess of \$650,000 of real and personal property from the Tabar organization.

Eighteen defendants have been successfully prosecuted to date including two for CCE violations.

During the course of the course of the Tabar case, the FBI infiltrated a parallel heroin organization which was distributing multi-kilogram quantities of heroin throughout the United States, including in the Eastern District of Virginia. In April of 1990, eight defendants were indicted for their role in the conspiracy to import and to possess with and intent to distribute over 100 kilograms of heroin. In excess of 18 kilograms of heroin was actually seized during the course of the investigation. Six of the defendants have been successfully prosecuted with sentences averaging in excess of 25 years. One of the defendants, Kazim Bayer, was extradited from Hong Kong after he was lured out of his native country of Turkey and pled guilty last week in the Eastern District of Virginia. A seventh defendant is presently under arrest in the Netherlands for possessing in excess of 100 kilograms of heroin and his extradition is being sought thereafter. The eighth defendant is also actively being sought for extradition from Turkey.

NIGERIAN HEROIN TRAFFICKING ORGANIZATION

In March, 1989, an Organized Crime Drug Enforcement Task Force (OCDETF) investigation was approved for a Nigerian heroin trafficking ring which appeared to be centered in Maryland. An undercover agent was able to successfully make heroin purchases from a Baltimore-based Nigerian and subsequently made buys from the organizations two of his suppliers in New York and Los Angeles. The undercover operation stretched from Maryland through New York, Chicago, Seattle and Singapore.

The two-year investigation was jointly conducted by the Drug Enforcement Administration (DEA), The United States Customs Service (USCS), the Internal Revenue Service (IRS) and the Maryland National Guard. In addition to the undercover purchases, various investigative techniques used including a grand jury investigation, court-authorized clone beepers, a wiretap, a financial investigation and an undercover car dealership sting operation.

The investigation culminated on September 26-27, 1991, with the simultaneous execution of numerous search and arrest warrants in Maryland, Washington, D.C., Virginia, New York, Illinois and California. The investigation resulted in nine indictments in the District of Maryland charging fifty-four persons. Ten of these persons have been convicted, and several trials are in progress or scheduled. In addition, the investigation spawned several related indictments in New York and Virginia.

1055

TAB F

Mountain States

UNITED STATES V. GARY D. APKER, ET AL.

(Hell's Angels methamphetamine distribution ring).

Eleven defendants were indicted in October 1990. All were charged with conspiracy to distribute methamphetamine and associated acts, and the lead defendant was charged with those offenses and a CCZ. Two of the original eleven defendants and a third individual were indicted in March, 1991 on a related money laundering conspiracy, United States v. Robert T. Farrell, et. al. The Apker case is scheduled for trial on March 23, 1992, all pre-trial motions having been resolved in the government's favor. The Farrell case is on hold, pending resolution of the Apker case.

This case also involved substantial forfeiture and assets.

BIG WOG

One of the first Montana numbered Organized Crime Drug Enforcement Task Force (OCDETF) cases was Big-Wog. In the first round of indictments, six persons were convicted including the head of the Montana organization, Donald Wogamon, who received a 30-year sentence. Convictions were also obtained on Donald Wogamon's brother, Steven, a former IRS Criminal Investigation Division agent; his son Tim; his wife, Elizabeth, and former State of Montana Drug and Alcohol counselor, Jack Biggs. The sentences were for conspiracy to manufacture and distribute methamphetamine from 1981 to 1987, numerous felony tax violations and substantive distribution counts of methamphetamine.

These persons agreed to cooperate and detailed the full extent of the organization which included cooking roughly 1500 pounds of methamphetamine. Over \$2,000,000 in cash from the organization was placed in a Montana corporation; other monies were placed in a Nevada corporation and the San Francisco Bay area. Five additional people were indicted based upon information supplied by the Wogamons. A five week trial commenced in Helena, MT against four of the defendants, one having pleaded guilty. Convictions were obtained on two defendants and a retrial is pending on the other two. A 45-year sentence was obtained on Robert Wells, a long-time methamphetamine cooker. Also handed down was a 10-year sentence for William Dee Morris, the lawyer for the corporation and the defendants and a former Montana gubernatorial candidate. See attached newspaper articles.

One of the major reasons for the difficulty in not obtaining conviction against the two defendants with retrial pending is that the former pharmacist and major player in the cooking refused to testify because of death threats against he and his family. He has been convicted of contempt of court and has been sentenced to a Federal Correctional Institution for his failure to testify. See also attached newspaper articles.

1058

BILLINGS COKE

To date 49 individuals have been indicted in 29 separate indictments and convicted.

One of the last to be convicted was Jay Kerr, a noted Hollywood actor that appeared in the Walt Disney film "Six-Mile Creek", and also had lead roles in "Dynasty", "Young and the Restless", "Wizards and Warriors" and in HBO's "First & 10".

Kerr received a minimum mandatory 10-year sentence for his involvement in supplying cocaine into the Billings, MT area.

The case received considerable attention because of the defendants notoriety.

1059

TAB G

New England

"THE NEW YORK BOYS"

Impressively, primarily through the efforts of the Boston Drug Task Force, Roxbury, Mass.'s largest, most dangerous cocaine ring has been dismantled with significant results. Of the fifty defendants indicted, approximately forty-two have been convicted, twelve via a jury trial. For the first time in the district of Mass, the lead defendant involved in this cocaine conspiracy, Darryl Whiting, a.k.a. "God", received a mandatory life sentence for his conviction under the Continuing Crime Enterprise (CCE) statute. The prison terms for the remaining eleven defendants who were tried and convicted range from eighteen to thirty years.

UNITED STATES V. GENNECO

After eight months of protected custody of a convicted co-defendant, and over six hundred telephone calls to Colombian cocaine suppliers, the Federal Bureau of Investigation (FBI), United States Customs Service (USCS) & Immigration and Naturalization Service (INS) were able to topple this Colombia - to - Mass cocaine ring, seizing six hundred and fifteen kilos of cocaine whose estimated street value is seventy-five million dollars. Thirteen distributors with direct connections to Colombian suppliers were arrested and subsequently indicted on June 12, 1991. All thirteen defendants have been charged with Conspiracy to Distribute Cocaine: 21 USC 846, the majority having already pled or been convicted. Two defendants await trial on January 13, 1992. A twenty year sentence is expected to be imposed on one of the main defendants on February 26, 1992.

OPERATION PALE DRY

During the months of June and September, 1991, eleven defendants were indicted on Conspiracy to Import Cocaine: 21 USC 963, and Conspiracy to Possess with Intent to Distribute: 21 USC 846, as a result of an investigation in which one C.I. was used twice to infiltrate two separate cocaine supply organizations. In the process, seven thousand pounds of cocaine were recovered worth over one billion dollars. Four of the eleven defendants are expected to plea in the next sixty days. The remaining are expected to be tried this summer in Boston Federal Court.

UNITED STATES V. KATTAR

In United States v. Kattar, the government in August of 1991 charged fifteen defendants with various conspiracy and money laundering charges as a result of their involvement in an international hashish smuggling ring, which originated in Lebanon but extended to Andover, MA. Over three tons of hashish, approximately two thousand nine hundred and thirteen kilos were seized, worth an estimated seventy million dollars. A September 1992 trial date is expected.

UNITED STATES V. SACCOCCIA

In November of 1991, the Rhode Island U.S. Attorney's Office indicted thirteen individuals for violations of the money laundering and RICO statutes. Forty-four individuals were indicted nationally as a result of this three year investigation which extended from Los Angeles, CA to New York, NY. The Providence, RI U.S. Attorney's Office is expected to try their part of this case this summer.

1062

TAB H

New York/New Jersey

UNITED STATES V. ERIC MILLAN ET AL.

In one of the largest single narcotics enforcement actions ever taken in this area, more than 400 federal, state and local officers in August 1991 arrested thirty (30) individuals, seized millions dollars in property and executed search warrants at forty-nine (49) locations on charges stemming from the operation of a highly-sophisticated, multi-million dollar heroin distribution and money laundering operation based in the Bronx and known as the "Blue Thunder" organization.

Headed by Eric Millan, the organization allegedly operated through a hierarchy of several lieutenants with subsidiary distribution branches and a coordinated and extensive network of heroin retail outlets ("spots") and storage ("stash") apartments in the Bronx, Queens, Manhattan and Brooklyn.

Co-defendants Alfred V. Bottone, his sons, Alfred V. Bottone, Jr. and Anthony Bottone, and Vincent Basciano and Myles Coker allegedly made use of several businesses in the Bronx to supply wholesale quantities of heroin to the "Blue Thunder" organization on a regular basis. These businesses, as well as other businesses and property which Millan and other "Blue Thunder" operatives allegedly used to invest or launder drug money or otherwise to facilitate drug trafficking, have been seized by the Government. The seizures included 21 businesses, 43 pieces of real property and leaseholds, more than 100 automobiles, more than 75 bank accounts, almost \$1 million in cash, snowmobiles, boats and jewelry. The businesses seized included a grocery store, three auto body shops, a used car lot, a pool store, a parking lot, a variety store, a limousine service and an international concert promotion business that purchased certain rights to the use of the Teenage Mutant Ninja Turtles, in Argentina, Uruguay and Chile for approximately \$1.1 million, according to the charges. In addition, the searches yielded substantial quantities of narcotics, extensive narcotics and financial records and approximately twenty firearms.

The OCDETF investigation, which was initiated in October 1990, was carried out by the New York Drug Enforcement Task Force, in conjunction with the Internal Revenue Service (IRS), Criminal Investigation Division (CID) and the United States Marshals Service (USMS), the Bureau of Alcohol, Tobacco and Firearms (BATF), and the Office of the Special Narcotics Prosecutor.

Millan and four other defendants have been charged under the "drug kingpin" statute. Trial of the defendants is currently scheduled for July 1992.

UNITED STATES V. RAMON REYES ET AL.

In March and April of 1991, following an OCDETF investigation conducted with this Office by the Drug Enforcement Administration (DEA), the New York City Police Department, and the King's County District Attorney's Office, thirteen individuals were charged for participating in a narcotics organization known as "the Company" that distributed massive quantities of cocaine from early 1989 to 1991 in New York City, and committed numerous acts of violence, including several homicides, to protect and further their narcotics enterprises.

According to the charges, "the Company" operated retail locations, known as "spots," at two street corners in the East New York section of Brooklyn, seven days a week, twenty-four hours a day, in three work shifts: from 8 a.m. to 4 p.m., from 4 p.m. to 12 midnight, and from 12 midnight to 8 a.m. The work shifts were timed to coincide with the shifts of the New York City Police Department, to avoid detection by the police during "the Company's" own shift changes.

"The Company" received kilogram quantities of cocaine in various apartments which were known as "packing offices" and which were staffed by several workers. From there, the cocaine was packaged and then transported to Brooklyn in automobiles outfitted with electronically operated secret compartments used to store both cocaine and loaded firearms.

The defendants were charged with participating in at least seven murders and three attempted murders, including the attempted murder of a New York City Police Officer on October 31, 1990. These acts of violence were committed primarily to eliminate "the Company's" competitors and to enforce discipline among Company members.

In 1991, all thirteen defendants pleaded guilty to various racketeering, narcotics conspiracy, firearms and immigration charges. Four defendants admitted to their participation in certain murders committed for "the Company" between 1989 and 1991, and pleaded guilty to charges with maximum sentences of life, and mandatory minimum sentences ranging from ten to twenty years. Eight other defendants entered guilty pleas to narcotics conspiracy charges with mandatory minimum sentences of ten years and maximum sentences of life.

Sentencing of the defendants is scheduled for March through May 1992. Another defendant was arrested in July of this year, and is charged in a separate indictment with working as an enforcer or "hitman" with "the Company." His trial is expected to begin in April 1992.

UNITED STATES V. RALPH GIORDANO, ET AL.
UNITED STATES V. GENARO PERFINAN, ET AL.
UNITED STATES V. FRANK MANDARINO, ET AL.
UNITED STATES V. MARK GIARDINO, ET AL.
UNITED STATES V. VICTOR BOUSSON, ET AL.

In late October 1991, forty-eight (48) defendants were charged with participating in an extensive cocaine and heroin trafficking network based in the Bronx and southern Westchester, after a more than two-year OCDETF investigation by the Federal Bureau of Investigation (FBI) and the New York City Police Department (NYPD), as part of the continuing efforts of "Operation Horsecollar," a joint effort of the FBI and NYPD that has resulted in the prosecution of numerous major narcotics traffickers over the last six years.

According to the indictments, Ralph Giordano, Alphonse V. Sisco, Robert Baviello, Vincent J. LaForte and Charles Guida, a/k/a "Charlie Chase," spearheaded the narcotics trafficking network. As charged in the indictments, the defendants located narcotic suppliers and supervised the regular distribution of large quantities of cocaine and heroin to middlemen and retailers, the collection of cash proceeds from narcotic sales and the payment of retailers, middlemen and suppliers.

The investigation included both an extensive undercover operation as well as months of court-authorized wiretaps on the telephones of several of the defendants. Between February 1989 and August 1991, undercover operatives purchased millions of dollars (street value) in cocaine and heroin from Giordano, Sisco, Baviello, LaForte and Guida and their associates, according to the charges. Searches in the case yielded narcotics, numerous firearms, drug records and narcotic paraphernalia.

Giordano, Sisco, LaForte and Baviello each face a minimum of twenty years' and a maximum of life imprisonment on charges of under the "drug kingpin" statute. Trials of the five cases tentatively are scheduled for the Fall of 1992.

UNITED STATES V. MOHAMMAD NASER, ET AL.

As the result of an Organized Crime Drug Enforcement Task Force (OCDETF) investigation conducted jointly by the United States Attorney's Office for the Southern District of New York, the New York County District Attorney's Office, Office of the Special Narcotics Prosecutor, the New York City Police Department and the Drug Enforcement Administration, 21 individuals were arrested in May 1991 on charges that they were part of a multi-level heroin distribution network that operated in the New York City area since 1989.

The investigation began in late 1989 with street level purchases of heroin by undercover New York City Police Department officers in upper Manhattan. Ultimately, in textbook fashion, the investigation led to the discovery of a chain of several different organizations and individuals, each allegedly supplying heroin to the group beneath it.

The undercover transactions led to the discovery that members of an organization allegedly headed by one of the defendants, Camello Gomez, controlled street sales of heroin in the vicinity of 166th to 168th Streets and Amsterdam Avenue in Manhattan. Court-authorized wiretaps revealed that the Gomez organization, in turn, allegedly received its heroin supply from another narcotics group headed by defendant Francisco Cruz. Cruz allegedly distributed multi-kilogram quantities not only to the Gomez organization, but to other narcotics wholesalers as well. Cruz was on special parole from a prior narcotics conviction during the time he was allegedly running his heroin network.

The investigation of the Cruz organization led law enforcement officials up the supply ladder to two alleged heroin brokers who, according to the charges, are involved in both the entertainment promotion business and the sale of heroin. The wiretap investigation then revealed that these brokers, in turn, allegedly received their heroin from Mohammad Naser, an Afghan national.

Cruz and Gomez are charged under the "drug-kingpin" statutes and face 20 year-to-life terms. Trial of these and several co-defendants is scheduled for March 30, 1992. Eight defendants have already pleaded guilty to narcotics charges and await sentencing.

UNITED STATES V. SAMUEL APONTE-VEGA, ET AL.

After more than a year-long investigation by the Drug Enforcement Administration (DEA), in July of 1991, members of a large-scale street level heroin distribution enterprise located in the Bronx, New York, were charged with narcotics and weapons violations. Led by Samuel Aponte-Vega, the organization distributed a brand of heroin known as "White Eagle", and later as "Double Value" heroin. According to the charges, the Aponte-Vega enterprise was highly structured, employing high level managers, mid-level individuals responsible for managing distribution spots throughout the Bronx, and low-level "runners". At its height, the organization allegedly involved more than ten employees and maintained more than 15 distribution spots in the Bronx. One such spot was a car servicing station called PDQ Towing, owned and operated by Aponte-Vega. Other spots included a social club, a Getty Gas station, a tire servicing garage, and a barber shop, all located in the Bronx.

According to the charges, Aponte-Vega was chauffeured in an extravagant Mercedes Benz stretch limousine, as well as a Lincoln Towncar limousine, and he owned numerous expensive cars, including Porsches and an antique 1925 model Ford. The Mercedes Benz limousine was allegedly customized with sophisticated "traps" where machine guns could be secreted. These vehicles (totalling 15 in number), as well as two power boats, several businesses, including a seafood restaurant, PDQ Towing, the Getty Gas station, the social club, the barbershop and the car customizing garage, were seized as property that reflected the proceeds of or that facilitated narcotics trafficking activity.

Aponte-Vega is charged under the "super kingpin" statute, 21 U.S.C. § 848(b), which carries a mandatory penalty of life imprisonment. Aponte-Vega and five other defendants are scheduled to go to trial in April of 1992. Three other defendants have pled guilty and await sentencing. Another defendant was recently apprehended; his trial has not yet been scheduled.

UNITED STATES V. STEVEN RAMOS ET AL.

In January 1991, after a two-year Organized Crime Drug Enforcement Task Force (OCDETF) investigation conducted by the New York Drug Enforcement Task Force, Steven Ramos and forty-seven members of his multi-million dollar heroin operation were arrested and charged with numerous violations of narcotics and firearms laws. Beginning in late 1988 and continuing until his arrest, Ramos allegedly supervised a highly structured organization that obtained large quantities of pure heroin and distributed it at the wholesale and retail levels. The organization operated a mill at which the heroin was diluted and packaged in glassine bags for street sales, most often under the brand names "Pure Energy" and "Absolute." Through groups of lieutenants and street managers, Ramos allegedly controlled a number of large retail outlets, and became one of the primary heroin suppliers in the Bronx. Ramos' outlets included two outlets in New Jersey and one in Baltimore, Maryland, according to the charges. In the month prior to Ramos' arrest, Ramos and other members of his organization were allegedly involved in three attempted drug-related murders.

Searches in the case resulted in the seizure of over seventy firearms, including twenty fully automatic machine guns which had been manufactured by Ramos' gun supplier. Approximately eighty machine gun kits, containing all the elements needed to manufacture a machine gun, and an explosive device were also seized. In addition, large quantities of heroin, cash and jewelry, and many cars, including three Mercedes Benz, a BMW and a limousine, were seized. To date, thirty-one defendants have pled guilty to narcotics and firearms charges. Most of the alleged highest-ranking members of the organization are scheduled to be tried in March 1992.

UNITED STATES V. JUSTINE ROBERTS ET AL.
UNITED STATES V. DUNNI MUSA ET AL.

In 1991, this OCDETF case culminated in the successful prosecution of a major heroin trafficking organization based in Harlem and the Bronx. Twenty-one individuals were convicted in these cases and face sentences ranging from ten years to mandatory life imprisonment. Eighteen pleaded guilty prior to trial. The three remaining defendants were convicted in two separate trials.

The investigation leading up to these convictions involved the use of confidential informants, undercover agents, consensually taped conversations, lengthy court-authorized wiretaps and other electronic surveillance. The investigation began with an informant who had been arrested in a prior case prosecuted by the two Assistants who handled these cases. Beginning with consensually monitored telephone calls placed by this informant to Justine Roberts, who supervised an extensive retail heroin operation in Harlem, the investigation ultimately led to an Italian supplier and Nigerian importers. This investigation too was a model for the pursuit of large-scale narcotics traffickers, as it moved progressively up the distribution ladder, first through wiretaps on the telephone of a street distributor, then on the telephone of a mid-level dealer, and finally, on the telephone of an importer. More than \$350,000 in cash, three kilograms of high-purity heroin, one kilogram of crack, and eleven firearms were seized in the execution of search warrants at the conclusion of the investigation. Three of the firearms were equipped with silencers.

1070

TAB I

North Central

UNITED STATES V. ANDREWS, ET AL.
UNITED STATES V. ANDERSON, ET AL.

These Racketeering indictments charged a total of sixty-five alleged El Rukn gang members and associates with participating in a racketeering conspiracy, which had among its purposes drug trafficking, murder, extortion, robbery, fraud, kidnapping, obstruction of justice, terrorism, the acquisition and use of firearms and explosives, and the acquisition of power and territory in the Chicago metropolitan area and elsewhere in order to further the illegal aims of the El Rukn organization racketeering enterprise. Count One in both indictments described the structure of the El Rukns from 1966 to the present and alleged that Jeff Fort, the imprisoned leader of the El Rukns, currently serving combined Federal and State prison sentences in excess of 155 years in Marion Federal Penitentiary, ran the gang through a paramilitary organizational structure which included a leadership group called "Generals," a middle level leadership called "Officers," a lower level leadership group called "Ambassadors," and members who were known as "soldiers."

The racketeering conspiracy counts also alleged that members of the El Rukn enterprise murdered twenty people in sixteen incidents; committed an additional seven attempted murders in which six people were shot and one was stabbed; and conspired to murder numerous other individuals, including the members of rival gangs involved in territorial narcotics disputes with the El Rukns. The indictments charged that the murders, attempted murders, and conspiracies to murder were nearly all either drug-related, in retaliation for alleged killings of El Rukn members, or retaliations against persons who were witnesses to murders committed by the El Rukns. In addition, the racketeering conspiracy counts alleged that members of the El Rukn enterprise kidnapped, intimidated, tampered with, and retaliated against witnesses to their illegal activities.

The El Rukn trials began in the Spring of 1991 with the massive and lengthy trial of fourteen "Ambassadors" on April 6, 1991. Allegations against the defendants, in addition to RICO, RICO conspiracy and narcotics conspiracy, included four murders, kidnapping, witness intimidation and multiple counts of narcotics distribution. The trial concluded on August 8, when the jury returned verdicts against ten of the fourteen defendants. (One of the defendants was severed mid-way through the trial.) Three defendants were acquitted.

The second El Rukn trial, in which the defendants included Noah Robinson and six El Rukn "Generals" and "Officers," commenced on May 6, 1991 and ended September 1 with guilty verdicts against all defendants on RICO, RICO conspiracy, murder in furtherance of racketeering enterprise, narcotics conspiracy, interstate murder

for hire, witness intimidation, kidnapping, and weapons offenses. The substantive racketeering acts for which the defendants were found guilty included nine murders, assault with intent to do bodily harm, witness intimidation, interstate travel to commit murder, and kidnapping.

On July 8, 1991, a third El Rukn trial began, necessitating the departure of the two lead attorneys from the first two trials, still in progress, to begin the trial of five El Rukn hitmen. Each of defendants in this third trial, it was alleged in the substantive racketeering acts in Count Two, had participated in at least four of the ten murder/murder conspiracies charged. At the conclusion of trial, on August 30, the jury found the defendants guilty of RICO conspiracy, substantive RICO, including several murders and murder conspiracies, and narcotics conspiracy.

In September 1991, three reputed El Rukn narcotics suppliers were tried in a five week trial that ended on October 31. Two of the defendant/suppliers were charged with RICO, RICO conspiracy and narcotics conspiracy for selling cocaine and heroin to the El Rukn organization on a continuing basis for periods of up to several years, and the third defendant was charged with narcotics conspiracy on the basis of his long-term association with the El Rukns, narcotics distribution operation. All three defendants were convicted of all charges.

Two more trials began in October 1991, both before visiting judges from the Central District of Illinois. In the first of these, six long-time El Rukn "Generals" were convicted in an eight-week trial of substantive RICO, RICO conspiracy and narcotics conspiracy. The last El Rukn trial of 1991 began in late October and verdicts were returned on November 9. In that trial, five El Rukn "Generals" were convicted of a variety of narcotics distribution counts as well as RICO, RICO conspiracy and narcotics conspiracy.

In December 1991, one of the remaining El Rukn "Generals" pled guilty to RICO, including six murders, and interstate murder for hire. In January 1992, the defendant severed from the "Ambassadors" trial pled guilty to RICO and narcotics conspiracy.

To date, including the plea agreements entered into by the former El Rukn cooperating witnesses, 50 defendants have been convicted, five are awaiting trial, and five remain fugitives. Sentencing for all of the convicted defendants is expected to begin in March 1992 and will continue into late spring. Three of the remaining defendants will go to trial on March 2, 1992.

UNITED STATES V. CLAIBORNE, ET AL.

This Organized Crime Drug Enforcement Task Force (OCDETF) case, indicted in June 1991, charges twenty-three defendants with distribution and conspiring to distribute cocaine, "crack," and heroin, and with money laundering. The CLAIBORNE conspiracy was a multi-level organization that had been under investigation by the Chicago Police Department (CPD) since 1986 and is alleged to have distributed as much as 15 kilograms of cocaine a month, usually in the form of "crack," on the street corners of Chicago's South Side. The combined efforts of the Drug Enforcement Administration (DEA), the Internal Revenue Service (IRS) and the CPD resulted in a month-long wiretap of three telephones and seizures of eight properties, approximately \$155,000, and over 20 vehicles. In separate but related cases, two individuals were charged with money laundering and financial structuring concerning suburban real estate that CLAIBORNE and one of his lieutenants had purchased with their drug proceeds.

Eight defendants have pleaded guilty and are cooperating, including the head of the organization, Mario CLAIBORNE, who has entered into a plea agreement and will receive a sentence of 22 years' imprisonment. Both of CLAIBORNE's sources during the period of the wiretap have pleaded guilty and are cooperating. Although the CLAIBORNE organization had no gang affiliations, one of the cooperating sources was an El Rukn named Johnny Fort, the nephew of Jeff Fort. Five defendants are still fugitives. The remaining ten defendants are scheduled to begin trial on March 2, 1992 before the Honorable Rudy Lozano, on temporary assignment in Chicago from Hammond, Indiana.

The investigation of the CLAIBORNE organization also led to the indictment of Mustafa, Mohammed, and Fakher BUSTAMI, who supplied the CLAIBORNE organization, among others, with cocaine. In October 1991, the BUSTAMIs were named in a 67-count indictment charging them with distribution of cocaine, conspiring to distribute cocaine, use of telephones to facilitate drug trafficking, structuring financial transactions, obstructing the IRS and the DEA, and laundering money. The indictment also included criminal forfeiture allegations against the defendants' South Side used car dealership and its inventory, cash assets, and a condominium property. Mustafa BUSTAMI is believed to be in Amman, Jordan.

The BUSTAMIs are alleged to have distributed over 20 kilograms a month from their used car lot for at least fifteen months. CLAIBORNE admits to purchasing kilograms of cocaine and over 24 luxury vehicles. The BUSTAMIs routinely falsified vehicle sales documents in order to conceal the large amounts of cash paid for the vehicles and to hide the identity of the purchasers.

1074

Almost daily, the BUSTAMIs made separate cash deposits of just under \$10,000 minutes apart or at branch banks a few blocks from each other. In 1989, they made 213 deposits under \$10,000 and 141 such deposits in the first nine months of 1990.

UNITED STATES V. WESSON ET AL.

A twenty-two count federal criminal indictment and a companion civil forfeiture action were filed in this Organized Crime Drug Enforcement Task Force (OCDETF) case on February 18, 1992. The indictment charges an organization that is alleged to have distributed Nigerian heroin in the Chicago area between 1987 and the present. The organization is allegedly headed by Thomas Wesson, 24, of Chicago, who is charged with conducting a continuing criminal narcotics enterprise (a violation of The "Drug Kingpin" law). The civil forfeiture complaint alleges that four pieces of real estate on Chicago's South Side were purchased with the proceeds of drug trafficking or were used to facilitate the operation of the distribution network. The value of the real estate, seized pursuant to warrants on February 19, 1992, is approximately \$500,000.

The indictment charges that the Wesson organization distributed in excess of 150 kilograms of heroin during the years of its operation. The indictment alleges that Wesson purchased 50-100 grams of raw heroin weekly from Nigerian suppliers, used his own workers to mix and package the heroin, and then had heroin delivered to 3-person teams of street sellers. These teams consisted of one person who was responsible for the heroin, one person who was responsible for the money and one person who was responsible for security. According to the indictment, the teams would constantly move their locations of operation by calling telephone operators and giving them their current marketing address. Customers were put directly in touch with these teams by the telephone operators.

Wesson's mother, Gloria Steele, 43, a Chicago police officer, is alleged to have provided support for the narcotics trafficking organization by supplying information to help members of the organization avoid detection by the police and by laundering money for her son to conceal the source of cash generated by the drug organization.

All of the defendants are charged with narcotics-related offenses. Wesson and Steele are also charged with four counts of money laundering. In addition, Wesson, Veronica Jones of Chicago, a manager of the alleged drug operation, and Kevin Morrison, also of Chicago, an alleged street worker for the organization, are charged with carrying a firearm during and in relation to their drug trafficking.

The Wesson case was a joint investigation by the Bureau of Alcohol, Tobacco and Firearms (BATF), the Drug Enforcement Administration (DEA), the Internal Revenue Service (IRS), the United States Marshals Service (USMS) and the Chicago Police Department.

1076

TAB J

Northwest

UNITED STATES V. TIMOTHY BLUITT, ET AL.

The Bluit Organization of Oakland might be considered the third generation of the once notorious drug lord Felix Mitchell's "69th Street Gang", also known as "The Mob". In the early 1980's, Felix Mitchell used children, including a young Norbert Bluit (Timothy Bluit's brother), as lookouts and runners in his narcotics empire, which grossed more than \$400,000 per day in heroin sales. Mitchell was indicted, convicted, and sentenced to serve life in federal prison, where in August 1986 he was murdered by another inmate.

After the fall of Felix Mitchell, the organization was revived by Darryl "Little D" Reed, Mitchell's anointed heir. Timothy and Norbert Bluit became two of Reed's top lieutenants. In December 1988, Reed was caught cooking more than thirty (30) pounds of crack cocaine in an Oakland apartment. Reed's arrest and subsequent sentence to 35 years in federal prison ignited a gang war among various factions of Oakland drug gangs fighting for control of Reed's "turf". As the primary lieutenant, Timothy Bluit was deeply embroiled in the gang war, and eventually rose to become the leader of Reed's organization, hence the "third generation" of "The Mob".

In November 1989, the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Oakland Police Department (OPD), Internal Revenue Service (IRS), and United States Bureau of Alcohol, Tobacco, and Firearms (BATF) began a joint investigation of the Bluit Organization. After two years of unsuccessful attempts to penetrate the organization by developing informants and introducing undercover agents, the Organized Crime Drug Enforcement Task Force (OCDETF) initiated court-authorized wiretaps on Timothy Bluit's cellular telephone and pagers. Oakland Police Department officers and federal agents familiar with the players in the Bluit Organization manned the wiretaps around the clock.

As soon as the wiretaps were activated, agents learned that Bluit and his gang, aside from dealing in heroin and cocaine, spent the bulk of their days driving around with guns looking for rival narcotics gangs to shoot. The Bluit Organization used a special coded language analogous to "pig latin" when they discussed narcotics, firearms, or shootings. The local and federal agents soon became proficient in the coded language, enabling them to monitor the Bluit Organization's daily activities.

Early in the wiretap surveillance, agents listened with horror as Bluit gang members described how they had just shot Lemr Lacey, a suspected rival narcotics trafficker, through the walls of his pickup truck while they drove through the streets of Oakland. As a result of the wiretaps, agents successfully thwarted Bluit's plans to shoot several other rival narcotics traffickers by calling

and warning the rival gangs that a hit was imminent. The OCDEF investigation was taken down after thirty-two (32) days of wiretapping because agents feared that they would be unable to continue preventing Bluitt's repeated attempts to murder rival gang members.

On December 23, 1991, more than 350 federal, state, and local law officers, including several SWAT teams, executed 25 search warrants, arrested nine people, and seized cocaine, heroin, and numerous weapons ranging from automatic pistols to assault rifles.

On January 23, 1992, Bluitt and fifteen (15) of his gang members were indicted on eighty-three (83) charges, including conspiracy, distribution of more than 5 kilograms of cocaine and more than one kilogram of heroin, engaging in a continuing criminal enterprise, counterfeiting, and firearms violations. All of the gang members face potential sentences of life in prison. Local police departments from the San Francisco Bay Area, with the assistance of federal agents, are continuing to investigate leads obtained through the wiretaps in attempts to solve drive-by shootings and murders throughout their communities. Prosecutions are still pending.

OPERATION SPRING SNOW

For over ten years, Aldo Hernan Saez, a 47 year old Chilean national, was a major importer and distributor of marijuana, hashish, hashish oil and cocaine from Central and South America into the United States. The illegal activities of Mr. Saez came to light in early 1990 through an investigation conducted by the Federal Bureau of Investigation (FBI) in Wisconsin. This investigation focused on Philip Wiebe, who had been arrested in connection with a large load of marijuana that had been flown into the United States from Jamaica to drop off point in False River, Louisiana. The marijuana was destined for distribution in the Midwest. Mr. Wiebe pled guilty to smuggling and began to cooperate with federal authorities. His cooperation led federal agents to contact and interview Thomas Oral Lake. Mr. Lake was the pilot for Philip Wiebe's smuggling operation in the Midwest. Mr. Lake eventually pled guilty and began cooperating with the FBI in Wisconsin and with agents of the Drug Enforcement Administration (DEA) and the United States Customs Service (USCS) in the Northern District of California.

The USCS and DEA debriefings of Mr. Lake revealed that Tom Lake had been a pilot, not only for Philip Wiebe, but also for Aldo Saez and had, over the last ten years, flown numerous loads of illegal narcotics from Central and South America, specifically Jamaica, Colombia, Costa Rica, and Panama, to prearranged drop off points throughout the Southeast United States. Mr. Lake's primary employer during this ten year period was the target defendant, Aldo Hernan Saez. An OCDETF proposal was drafted and submitted. An investigative team was put together consisting of agents from the FBI, DEA, USCS, the Panamanian National Police, JTF-5, and the San Leandro California Police Department. From approximately February of 1991 until the eventual arrest of Mr. Saez on July 1, 1991, this Task Force focused on Mr. Saez's distribution network. During this time, Mr. Saez was contacted by Customs and Drug Enforcement agents using Tom Lake as an introduction, and Mr. Saez was requested to assist in the importation and distribution of what was to become the largest single seizure of cocaine in Northern California. Through Mr. Saez's direct connection with members of the Cali Cartel of Colombia, two shipments of cocaine were arranged for transportation from Colombia to Panama and from Panama to the United States. Customs agents, acting as air smugglers, provided transportation for the cocaine, and were to be paid in cocaine product. In May of 1991, two hundred and ninety-six (296) kilograms of cocaine were delivered from Colombia to Panama and turned over to USCS and DEA agents acting as air smugglers.

This load was then transported to Alameda Naval Air Station, near Oakland, California, by members of JTF-5 using military transport planes. Once the cocaine was in the San Francisco Bay Area, Mr. Saez was advised that the load was ready to be picked up, and given instruction where to meet federal undercover agents. Mr.

Saez arrived in the Bay Area, and picked up the equivalent amount of sham cocaine from federal agents, and left the pick up point. Pursuant to a prearranged agreement with the San Leandro Police Department, Mr. Saez was stopped several blocks away from the scene of the transfer of the "narcotics" for a routine traffic stop. He was allowed to leave the scene and he eventually returned to Miami, Florida. A newspaper article the next day in the San Francisco Chronicle described the traffic stop and eventual disappearance of Mr. Saez. It appeared from the article that a large seizure of cocaine had taken place in San Leandro and that the San Leandro Police Department had let the suspect get away.

This article was mailed to Mr. Saez, who used it to explain the loss of the two hundred and ninety-six (296) kilograms of cocaine to his Colombian bosses. In order to recoup his loss, Aldo Saez arranged for even larger delivery of cocaine, approximately five hundred and fifty (550) kilograms. The method of transportation was essentially the same as the first delivery in that the cocaine was shipped from Colombia to Panama and from there transported by federal agents, posing as air smugglers, into the United States for distribution. On July 1, 1992, Aldo Hernan Saez returned to the Bay Area to pick up his portion of the second load of cocaine. He was arrested at San Francisco International Airport and immediately began cooperating with federal authorities. His cooperation led to the arrest of three other co-defendants, who came on July 2, 1992 to pick up the remaining cocaine that had been promised by Mr. Saez. The resulting indictment included, not only Aldo Hernan Saez, but five additional cocaine distributors in the United States and three members of the Cali, Colombia cartel. Mr. Saez has pled guilty to one count of conspiracy to import cocaine, and, pursuant to a plea agreement, will serve fifteen years in prison. In addition, he has agreed to fully cooperate with the United States, and to forfeit one hundred and sixty thousand dollars (\$160,000) seized from his residence in Miami, Florida. The remaining defendants are either fugitives or await trial. Additional forfeitures included Thomas Lake's twin engine aircraft, valued at approximately seventy-five thousand dollars (\$75,000), which was given to the San Leandro Police Department, for future law enforcement work, for its assistance in this investigation, as part of the OCDETF's equitable sharing program.

OPERATION NAUTILUS

On July 1, 1991, the United States' Navy destroyers Ingersoll and Leftwich seized a 300 foot long freighter, called the Lucky Star, carrying seventy tons of hashish, six hundred miles west of Midway Island. Codenamed "Operation Nautilus," this seizure remains the largest hashish seizure in world history to date, with a street value of more than one billion dollars, and led to the arrest of twenty-one people; fifteen of them crew members arrested on board the vessel Lucky Star, and seven arrested subsequently as part of the offload and distribution operation.

The case began when a defendant contacted a Federal Bureau of Investigation (FBI) cooperating witness and asked him if he could provide an eighty foot long offload vessel to rendezvous with the mothership in the Pacific and take delivery of the drugs. The original plan called for the offload vessel to receive more than seventy tons of hashish, transport it to western Canada, where it would then be sent by truck across Canada to Montreal, where it would await distribution to the U.S. and Canada.

Eventually, undercover agents from the FBI and the United States Customs Service (USCS), posing as drug smugglers, were introduced to the operation. They were paid more than \$400,000 U.S. and Swiss currency as an advance against a fee of \$3,250,000 for their services in conducting the offload operation. The undercover agents obtained the offload vessel and sailed it to its rendezvous with the mothership in the Pacific Ocean. The offload was interrupted, however, by foul weather and bad tempers, resulting in only 2.4 tons of the hashish being offloaded from the mothership onto the undercover vessel.

One week after the aborted offload, the Lucky Star was seized and its crew arrested. However, negotiations continued for the shipment of distribution of the remaining 2.4 tons which remained under the control of the undercover agents, for nearly two and a half additional months. Finally, on September 18, 1991, seven more people were arrested in Clear Lake, California, San Francisco, and Seattle, Washington, when they attempted to take possession of the hashish. The five defendants arrested in Clear Lake, California were taken into custody by approximately twenty FBI SWAT team members who had been lying in the undergrowth and the high grasses surrounding the rural pickup site since the early morning hours on September 18th.

The financial backer and supervisor of the offload operation, defendant Michael Medjuck, a wealthy, 41 year old Canadian, was indicted in a twenty-three count indictment on charges including, among other offenses, Title 46, United States Code, Section 1903 and Title 21, United States Code, Section 963, conspiracy to import hashish into the United States and being in possession with the

intent to distribute hashish on board on vessel subject to the jurisdiction of the United States, respectively.

During the investigation, the mothership was followed by the United States Navy for more than a two week period of time until it was interdicted. Members of a United States Coast Guard Law Enforcement Detachment (LEDET) actually boarded the mothership and effected the arrests of its crew.

The prosecution of the mothership's crew is currently pending in the District of Hawaii, and is being handled by OCDETF personnel in Honolulu in close coordination with the San Francisco Drug Task Force team.

The case represents the combined investigative and interagency efforts of the Federal Bureau of Investigation, the United States Customs Service, the Royal Canadian Mounted Police, the Drug Enforcement Administration, and the Internal Revenue Service, along with critically important support functions of the United States Navy and the United States Coast Guard, acting in concert with Joint Task Force V, a multi-agency counter-narcotics effort sponsored by the military. Several local law enforcement agencies also assisted in the actual arrest of the defendants in Clear Lake, California, including the Lake County Sheriff's Office and the Marin County Drug Task Force.

One defendant has already pled guilty and is expected to testify against Medjuck, who has forfeitable assets of more than five million dollars. The case against Medjuck and the other remaining defendants is set for trial in the Spring of 1992.

1083

TAB K

South Central

UNITED STATES V. JERRY LEWIS ET AL.

For over twelve years an extremely violent and sophisticated drug trafficking organization, led by Jerry Lewis, wreaked havoc on the streets of St. Louis.

After a two-year joint state and federal investigation coordinated by the Organized Crime Drug Enforcement Task Force (OCDETF) of the Eastern District of Missouri, a fifteen defendant indictment was returned. The indictment charged all defendants with violations of the Racketeer Influenced Corrupt Organizations (RICO) Act. Within the racketeering enterprise, the indictment charged all of the indictees with conspiring to deal in such narcotics as pentazocine, heroin, cocaine and marijuana. Thirteen of the fifteen indictees were charged with racketeering acts constituting murder, attempted murder or conspiracy to murder. Jerry Lewis was charged with 32 racketeering acts, 15 of which involved murder or attempted murder. Lewis and five others were also charged separately with committing numerous crimes of violence in aid of racketeering (RICO). All of the indictees charged are subject to life imprisonment.

In announcing the indictment the St. Louis City Chief of Police called the organization "urban terrorists in the true sense of the word." Assisting the St. Louis Metropolitan Police Department in the investigation were Drug Enforcement Agents (DEA) special agents, special agents of the Bureau of Alcohol, Tobacco, and Firearms (BATF), the Internal Revenue Service (IRS), Criminal Investigations Division and the Federal Bureau of Investigations (FBI).

UNITED STATES V. JOE CALVA, ET AL

In United States V. Joe Calva, et al., the Federal Bureau of Investigation (FBI) obtained District Court authorization for a Title III intercept. The agents were authorized to make a surreptitious entry into a downtown nightclub and gambling house to install the authorized listening device. The FBI was also authorized to place listening devices on the telephones of the lead defendant in this case. Numerous manhours were devoted to this investigation to acquire lengthy and complex conversations.

These efforts were rewarded when the lead defendant plead guilty to charges of drug dealing, gambling, and money laundering. Due to the efforts of the FBI and several local agencies, the United States Attorney's Office seized and forfeited a large amount of currency, real estate in the downtown area, and other expensive equipment related to gambling. The FBI has estimated the forfeitures to be in the range of \$500,000, however, the defendant claimed losses of over \$650,000. To date, five persons have been convicted of various drug, gambling and money laundering charges. The case is continuing in several investigative phases, including the undercover purchases of crack cocaine. The lead defendant, Joe Calva, who cooperated and plead guilty, was a high profile offender who was originally named in the first Organized Crime Drug Enforcement Task Force (OCDETF) case in this district. The Checkmate Club, a popular Little Rock night club and gambling house owned by Joe Calva, has been forfeited to the United States Marshal and is currently for sale.

UNITED STATES V. TERRY KELTON, ET AL

Immediately after being paroled from federal custody in 1983, Milton Terry Kelton became involved in the distribution of cocaine in the Kansas City area. He became known among narcotics traffickers as a person who would violently eliminate his competition.

In late 1984, Terry Kelton was cited for a parole violation and returned to federal custody. Originally sent to Marion and then to Leavenworth, Kelton provided instructions to associates for the day-to-day operation of his trafficking organization. In 1986, Kelton was transferred to FCI-Tucson. While in prison at Tucson, Terry Kelton was able to maintain the daily leadership of his narcotics organization in Kansas City and establish new sources of cocaine in Los Angeles by use of the mail and telephone systems.

Evidence available at trial established that the organization headed by Terry Kelton exercised a major role not only in cocaine trafficking in the Kansas City metropolitan area, but also in the area of violent crime. The interception of coded letters and telephone calls from the imprisoned Terry Kelton to criminal associates provided details not only of his narcotics operation, but of his attempts to procure contract killers to eliminate members of his organization who were not living up to his expectations.

The combined efforts of the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Kansas City Missouri Police Department, along with the help of the Bureau of Prisons, resulted in the successful prosecution of Terry Kelton and several members of his organization. Kelton was convicted of 20 felony counts for which he will remain in prison for life.

1087

TAB L

Southeast

THE ROGER ELEY CASE

From 1985 until 1988, ROGER T. ELEY, a long-time member of the "Dixie Mafia" received, and distributed cocaine hydrochloride, in the Northern and Southern Districts of Georgia. His partner in this operation was JAMES HAROLD CRAFT, who was a federal fugitive from an indictment in the Northern District of Georgia, related to his distribution of cocaine. The two received cocaine in Miami, Florida, and in McIntosh County, Georgia, and transported it to the Northern District of Georgia, the District of South Carolina and the Western District of North Carolina for distribution.

Their source of cocaine was DENNIS LARRY WHITE, a broker of cocaine, who operated in Miami, Florida. White's distribution operation was national in scope, with other customers in Biloxi, Ms., Dallas, Tx., Las Vegas, NV., and Seattle, Wa. WHITE acquired much of the cocaine through sources in the "Little Havana" area of Miami, which he described as offering a "smorgasbord" of cocaine for sale. Another of WHITE's sources was MANNY FERNANDEZ, a Cuban native, who was able to secure large quantities of cocaine in Miami and Los Angeles. At one point during August, 1987-March, 1988, FERNANDEZ ran a stash-house/money laundering operation for the Colombian cartel, which during its existence, dealt in excess of 2300 kilograms of cocaine, and laundered over \$9 million. WHITE utilized this operation in Los Angeles to supply his Seattle customers.

ELEY distributed cocaine hydrochloride in the Atlanta area through a network of individuals, including ROBERT DAVIDSON SMITH, CHARLES LARRY JONES, and JAMES PAUL DAVIS. ELEY, who had been nominally occupied as an automobile broker, and utilized that front as a way to shelter his illicit income, was assisted in hiding his assets by DAVIS, KENNETH CARPENTER, a CPA from Hinesville, Ga., and others, including an attorney. CRAFT distributed cocaine in the Colombia, S.C., and Charlotte, N.C. areas. He was assisted by SMITH, and others. The cocaine distributed was over 200 kilograms during the relevant time period.

The investigation and prosecution of the ROGER T. ELEY cocaine conspiracy began in 1986, in the Southern District of Georgia, with an FBI investigation of the activities of ELEY. That investigation also involved the United States Customs Service (USCS), the Internal Revenue Service (IRS), and the Georgia Bureau of Investigation (GBI).

In early 1987, the Northern District of Georgia, Drug Enforcement Administration (DEA) and the GBI began an investigation of DONALD EDWARD MILES, another long-time member of the "Dixie Mafia". MILES association with ELEY was well-documented, and the two investigative teams began to consult, and to conduct complementary investigations.

The two investigations were supervised out of the OCDETF offices of Savannah and Atlanta, and an assistant U.S. Attorney from each district was cross-designated in the other district to conduct joint and complementary grand jury investigations.

In October, 1988, WHITE and other members of his organization, including BRUCE BRASHER and PAT MORRIS, were arrested through the efforts of DEA and local authorities, in Las Vegas, utilizing information provided by the joint investigations in Georgia. In that same time period, the key distributor of cocaine in Seattle was prosecuted as a result of an OCDETF, which was coordinated with the Georgia investigations.

Two indictments were returned in Georgia. In the Northern District of Georgia, in April, 1990, ELEY was prosecuted, along with ROBERT DAVIDSON SMITH and five members of the Atlanta organization. In the Southern District of Georgia, in November, operation; FERNANDEZ and others associated with the WHITE distribution operation, and those who received cocaine in Biloxi and Dallas, were all prosecuted.

To date, 21 individuals have been convicted for their participation in this national operation, in prosecution efforts in four federal districts and in the County of Los Angeles; assets valued at approximately \$3 million have been ordered forfeited, and fines totalling over \$2 million have been imposed. Investigations related to this operation are currently being conducted in three different Districts.

THE JIVENS ORGANIZATION

Ricky Jivens directed a Savannah crack cocaine distribution ring. His method of ensuring loyalty to the organization was unique. Before anyone could obtain a sizeable quantity of crack cocaine for distribution, he required them to have committed a murder. The Jivens organization was responsible for approximately 15-20 murders in Savannah.

The case was under active Organized Crime Drug Enforcement Task Force (OCDETF) investigation for less than a year. The investigation was directed by a veteran Drug Enforcement Administration (DEA) agent, Darrel Snider, who led a team of Savannah Police Department officers and one Chatham County Police Department detective. One Internal Revenue Service (IRS) criminal division agent participated as did one Bureau of Alcohol, Tobacco, and Firearms (BATF) agent.

Jivens and 15 others were indicted September 27, 1991. Jivens pled to the Continuing Criminal Enterprise (CCE) charge (21 U.S.C. 848) a money laundering offense (18 U.S.C. 1956) and a use of weapons in furtherance of a drug conspiracy (18 U.S.C. 924). He was sentenced to life plus 5 years and fined \$1,000,000. (While detained awaiting trial, Jivens tried to escape from two different county jails; \$40,000 cash was seized and five others arrested and indicted, including his "two common-law wives"). Several co-indictees entered pleas of guilty and are awaiting sentencing as of 2-18-92. Eight defendants went to trial. Because of extensive pretrial publicity in the Savannah area, a jury was drawn from the other five divisions of the Southern District of Georgia. The jury was sequestered throughout the seven day trial. All defendants were convicted on all counts. The government placed before the jury 14 weapons and a laser sight. The agents had set up one informant in an apartment wired for video and audio recording. The video tapes in which Ricky Jivens appeared provided some of the most damaging evidence.

The juvenile "enforcer" for the organization agreed to testify for the government after the indictment was returned. (He was charged federally as a juvenile with a 924 (c) violation; he is in the process of negotiating state manslaughter pleas for 3 twenty (20) year concurrent voluntary manslaughter sentences). The juvenile testified at trial that fugitive co-indictee Sammie Lee Gadson (since captured) directed him to kill two individuals. The juvenile killed those two and an eyewitness. He also related he observed another homicide committed in "drive-by" fashion by members of the Jivens gang.

A death penalty authorization request is being forwarded to the Department to allow for a superseding indictment of Gadson with a capital penalty provision. The investigation continues toward locating what is believed to be a substantial cash hoard of Jivens.

The State District Attorney is weighing a capital murder case against Ricky Jivens, basically adopting the federal prosecution's evidence. (An assistant district attorney assisted with the federal prosecution). The investigation is also expected to produce another indictment naming other individuals who assisted Jivens in various ways, including corrupt law enforcement officers.

1092

TAB M

Southwest

1

1

1

JORGE ROC-SUAREZ, aka "TECHO DE PAJA"

Since the conclusion of the Mendez-Duenas, et al case, an 18-defendant indictment has been returned against Jorge Roca-Suarez, nephew of Roberto Suarez the former "godfather of cocaine" in Bolivia, and other members of the Roca drug organization. Roca-Suarez has been detained for over a year now and is facing a 20-count indictment charging him with a "mandatory life". Continuing Criminal Enterprise, along with a variety of other drug-related felonies. Trial is set for early March. Other members of Roca-Suarez' family have been arrested in Bolivia on provisional arrest warrants and are awaiting extradition to the United States. This investigation is continuing and a number of other Bolivian cartel leaders have also been named in secret indictments. As a result of the OCDETF project, the government of Bolivia recently announced and amnesty "proclamation" has resulted in the surrender of a number of other major traffickers who, fearful of U.S. prosecution and substantial, if not lifetime, sentences, have or will be entering guilty pleas in Bolivia to drug trafficking charges.

CORCO II

The Coronado Company II Organized Crime Drug Enforcement Task Force (OCDETF) investigation (CORCO II) targeted and ultimately prosecuted members of the original Coronado Company (CORCO) conspiracy who were back in the drug business almost a decade after their first prosecution. CORCO uncovered and prosecuted approximately 80 persons involved with marijuana in several forms in the 1970s and early 1980s. CORCO II uncovered the renewed drug activities of certain CORCO defendants after release from prison terms along with their new co-conspirators.

Through CORCO II, the Government revealed and prosecute large scale trafficking of cocaine, marijuana and methamphetamine. Government agents penetrated a multi-kilogram and multi-million dollar cocaine distribution network originating in Mexico, and thwarted a ten-ton marijuana importation from Colombia, South America. Additionally, the Government uncovered a group of significant methamphetamine distributors in Southern California. The investigation exposed and dismantled all levels of the distribution networks.

CORCO II resulted in drug charges against 31 persons with indictments against several more co-conspirators pending. Each of the 31 persons has been successfully prosecuted with sentences ranging from supervised release with drug testing to life without the possibility of parole. The Government has also seized cash and property valued at approximately \$1 million which is being forfeited as illegal drug proceeds.

The original CORCO was prosecuted, of course, under the "pre-Guidelines" sentencing law. CORCO II was prosecuted under the post-November 1987 Sentencing Guidelines. The prosecution of CORCO II stands as a tribute to the Sentencing Guidelines. After grossing upwards of \$200 million in marijuana sales, the Coronado Company ringleaders served relatively short prison terms after being convicted for the importation conspiracy. However, as a result of the Sentencing Guidelines, the cost of conviction to the defendants increased exponentially and resulted in widespread cooperation with the Government. Therefore, the Government has benefitted from access to more inside information in the prosecution of CORCO II compared to CORCO, which should enhance the agencies abilities to develop ongoing investigations, choke off large scale trafficking organization and decrease the rate of recidivism among the convicted and cooperating perpetrators.

The ongoing prosecutions of CORCO II has resulted in a series of recent convictions and sentences. In December 1990, Ed Otero pled guilty to conspiracy to import ten tons of marijuana and was sentenced to 150 months. In September 1991, Ernie Sanders and four other defendants were convicted for possessing 706 pounds of

marijuana. Sanders was fined \$50,000 and sentenced to 210 months, and his four co-defendants were sentenced to terms ranging from 10 to 21 months. Sanders was also sentenced for possessing firearms, being the conspiracy leader and possessing hashish and marijuana plants. In June 1991, Jesus Mondaca, Sr. and Jr. were convicted of conspiracy to sell fifteen kilograms of cocaine. Jesus Mondaca, Sr., a third time cocaine felony trafficker was sentenced to life without possibility of parole, and his son was sentenced to 151 months.

OPERATION RED RAG

Operation Red Rag was a three-month investigation involving city, county, state and federal law enforcement agencies targeting members of the "Piru" gang. The investigative strategy used relied on lone former gang members who went undercover to make drug buys. These buys were videotaped through some innovative surveillance methods. Six Piru gangs were initially targeted, but the operation wound up also snaring at least 29 rival Crips gang members. The Piru and Crips are heavily involved in the drug trade and responsible for the majority of San Diego's violence linked to drug dealing. The gang members targeted were among the most violent, most prone to get involved in drive-by shootings and the most involved in dealing drugs. A total of 78 defendants were prosecuted in state court with sentences ranging from time served up to 5 years. Thirteen federal indictments were returned charging a total of 15 defendants. The defendants received sentences ranging from 2 to 7 years.

OPERATION GREENLINE

Operation Greenline was an Organized Crime Drug Enforcement Task Force (OCDETF) investigation into the activities of Julio Fillad, operator of seven money exchanges and related businesses at the international border in San Ysidro, California. Fillad was reported to be a narcotics trafficker and broker, as well as a launderer of narcotics proceeds for other trafficking organizations. The investigation encompassed four months of court-ordered electronic surveillance in addition to conventional investigative techniques. The investigation was conducted by OCDETF agents of the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), United States Customs Service (USCS), and Drug Enforcement Administration, with significant assistance from the Immigration and Naturalization Service (INS) and Chula Vista and El Monte Police Departments.

The investigation was made more complicated by the difficulty of conducting surveillance in the geographically small and cohesively cliquish San Ysidro area which is adjacent to the U.S./Mexico border. In addition, the primary targets conducted counter-surveillance, and were highly sensitive to the possibility of electronic surveillance.

The investigation resulted in the return of nine indictments charging 22 individuals with a variety of money laundering and narcotics offenses. As a result of these indictments, 10 defendants have been convicted and received sentences ranging from probation for cooperation to 8 years in custody. In addition, there were three spin-off indictments charging four other persons with narcotics trafficking.

Further indictments are anticipated. One of the benefits of the investigation has been the cooperation of one of the defendants convicted of money laundering and narcotics trafficking. Through the use of information provided by these persons, a CCE investigation is proceeding against some long-time major trafficking targets of various federal agencies; new evidence received directly and indirectly through cooperators has made that case viable.

The investigation in to these cases also tied into, and produced evidence of weapons and explosives trafficking in a hitherto unrelated investigation, when it proved that Fillad was the recipient and exporter of several hundred AK-47's and was actively seeking rocket-launchers and hand grenades. In these cases, agents seized seven residences in the San Diego, Los Angeles, and Las Vegas, Nevada areas, numerous vehicles, and just under a million dollars in cash and bank accounts, as well as jewelry, collectors coins, and items of personal property. Approximately a dozen firearms were also seized at various points

1098

in the investigation, and firearms charges are pending against one of the fugitives.

WILLIAM LEE PRUE

This case emanated from a two-year OCDETF investigation surrounding William Prue. William Prue was a large-scale methamphetamine distributor, who employed a large criminal network of methamphetamine manufacturers, distributors, enforcers and money launderers. The investigation included traditional investigative tools, including grand jury subpoenas and compulsion of hostile witnesses, informants, surveillance, search warrants, consensual monitoring and pen registers. A great deal of support was supplied by local police officers who conducted extensive surveillance and conducted probable cause vehicle stops of drug purchasers leaving Prue's residence. Less traditional investigative means included a pole camera erected outside of Prue's home to monitor traffic in and out of Prue's residence.

A 34-count comprehensive superseding indictment including narcotics, weapons, money laundering and currency structuring charges was returned by a federal grand jury in May, 1991. Fourteen defendants were named in that indictment, including Prue, a local businessman, Kenneth Kinch, and a local real estate agent, Barbara Hunt. Kinch and Hunt were charged with money laundering and structuring violation for their involvement in purchases of residences which were silently owned in whole or in part by Prue. In addition, two related cases, involving either weapons or drug offense were filed against three additional defendants.

The majority of the defendants pleaded guilty to charges requiring substantial prison sentences. The many guilty pleas were directly attributable to the barrage of evidence that had been assembled by the multi-agency team assembled under the Organized Crime Drug Enforcement Task Force (OCDETF) umbrella. Prue pleaded guilty to drug, weapons and conspiracy charges involving money laundering and structuring and received a sentence of 24+ years. Two of the fourteen defendants elected to go to trial and were swiftly convicted. One of those defendants a source of precursor chemicals and an enforcer for Prue, received a sentence of thirty years' imprisonment.

VELASCO - CONTRERAS FAMILY

Seven defendants have recently been indicted on narcotics charges for their involvement in a fentanyl manufacturing and distribution ring. Fentanyl is a dangerous synthetic heroin which is far more potent than ordinary street heroin.

This OCDETF investigation was initiated after a Customs undercover agent purchased in excess of one kilogram of fentanyl from a distributor in 1988. After conviction, that distributor was only able to provide limited information regarding his supplier. It became clear during the ensuing three year investigation, that the supplier, Mario Aguirre, was not the manufacturer. Extensive grand jury investigating was conducted, including compulsion of hostile witnesses, pen registers and surveillance. Due to the cunning of the manufacturer and chemist of the fentanyl and the infrequency of the actual "cooks" or manufacturing events, the investigation was stalled. The investigation progressed after the diversion unit in the Drug Enforcement Administration (DEA) was contacted by a California chemical company that received an order for precursor chemicals which could be used in the manufacture of fentanyl. The order for the chemicals was traced back to Mario Aguirre and a controlled delivery of the chemicals to Aguirre was arranged. After receipt of the chemicals, Aguirre discovered a tracking device that had been placed in the chemicals by law enforcement agents and abandoned the chemicals.

Ultimately, via an informant, an undercover agent was introduced to the leader of the organization, Ricardo Valdez. During undercover negotiations and the ensuing investigation, it became clear the Valdez had been a steady source of fentanyl in the Southern California (and other) area for the last eight to ten years. In December, 1991, following much surveillance and other investigation, Valdez' lab was discovered. The well-equipped lab was seized after Valdez had turned over a pound of fentanyl to an undercover agent. Searches conducted at Valdez' residence and the residence of co-conspirators resulted in the seizure of evidence which supports the conclusion that Valdez' organization had been viable and active for years.

A continuing grand jury investigation is currently being conducted to acquire evidence to support historical drug charges dating back to the formation of Valdez' organization, money laundering charges and tax evasion charges. In addition, at least 22 deaths directly attributable to fentanyl overdose have been documented and grand jury work is being conducted to tie those deaths to Valdez in order to enhance criminal penalties against him and his co-conspirators.

WILLIAM R. MARTINEZ, ET AL

On March 3, 1992 the last remaining defendant of a 28 defendant air smuggling organization will proceed to trial. Members of this multi-ton marijuana smuggling organization had operated along the Arizona/California Southwest border since the late 1970's. The final flight that resulted in first arrests in this case, occurred when the aircraft was picked up on United States Customs Service (USCS) Aerostar balloon's radar, located in Southern Arizona. Several fixed wing aircraft and two helicopters with arrest teams aboard were launched to attempt to intercept the aircraft and arrest both pilots and the ground crews. Both objectives were met.

The aircraft seized and pilots arrested after it off-loaded 1,200 pounds of marijuana on a clandestine airstrip and then flew to Flagstaff, Arizona. The ground crew was apprehended by an arrest team aboard a U.S. Customs Blackhawk helicopter. A full OCDEF case was initiated that resulted in the seizure of six aircraft and the forfeiture of \$400,000. Both ringleaders of the organization recently plead guilty to continuing criminal enterprise charges.

The District of Arizona successfully prosecuted 24 defendants; the districts of Eastern Pennsylvania and southern Florida successfully prosecuted the remaining four.

PHILLIP JOHNSTON, ET AL

This case resulted from an eighteen month Organized Crime Drug Enforcement Task Force (OCDEF) investigation surrounding Phillip Johnston. Phillip Johnston and his brother Patrick were large-scale marijuana and cocaine distributors who employed a fairly substantive network of distributors. Their cocaine sales were primarily to one individual, Sedrick Hood, who in turn distributed the cocaine to crack or cocaine base distributors in the Albuquerque, New Mexico area.

The investigation included the traditional investigative tools, including a Title III, compulsion of hostile witnesses, informants, surveillance, search warrants, consensual monitoring and pen registers. The Albuquerque Police Department provided substantial investigative resources in the form of surveillance officers. A pole camera was erected outside of Phillip's home to monitor traffic in and out of his residence.

A seven-count superseding indictment included narcotics and money laundering violations. Nine defendants were named in that indictment, including Phillip Johnston, Patrick Johnston, and Sedrick Hood. Eight of the nine defendants pleaded guilty to charges requiring prison sentences. Phillip Johnston received 144 months in the custody of the Bureau of Prisons, while Sedrick Hood received a sentence of 188 months. Hood had a prior Title 21 of drug felony.

In addition to the prison sentences, Phillip Johnston agreed to forfeit two residences to the federal government, and one residence to the state of Iowa.

These multiple guilty pleas and forfeitures were directly attributable to the large amount of evidence that had been assembled by the investigative OCDEF agents.

In a related matter, a ton of marijuana was seized from a residence that was linked to Phillip Johnston. This case went to trial, with three of the four defendants charged being convicted and receiving prison sentences in excess of 100 months.

A continuing grand jury investigation is currently being conducted to acquire evidence to support historical drug charges dating back to the formation of Phillip Johnston's organization, money laundering charges and tax evasion charges. The focus of this investigation is the person who was supplying Phillip Johnston with both marijuana and cocaine. Phillip Johnston is currently cooperating in that investigation. This case remains active.

ASIAN DRUG TRAFFICKING

Ms. PELOSI. Thank you, Mr. Carey.

In my community, I am blessed with a magnificent Asian-American community, and the community leaders there have been complaining to me about the Asian gangs. I mentioned this to Director Sessions the other day that they were pleased to see that the FBI was reprogramming its resources in order to focus on crime, gangs in the U.S.

What inroads are you making against Asian gangs in particular?

Mr. CAREY. I can say that, generally, the Department is very concerned about the Asian organized crime problem. In particular, it has been a great focus of the strike forces. It also has been a focus of the OCDETF program in San Francisco.

One major Asian organized crime gang was prosecuted through the OCDETF as part of something we called Operation China Beach. This involved what was, at the time, the largest seizure of heroin in the history of the United States, approximately 1,100 pounds. That investigation and prosecution is still going forward.

I have a series of examples—

Ms. PELOSI. Could you submit those for the record?

Mr. CAREY. Yes.

[The information follows:]

ASIAN DRUG TRAFFICKING

Strike Forces involved in the Asian Drug Trafficking investigations have been contacted. Information will be submitted upon receipt from the Strike Forces.

Ms. PELOSI. How prevalent are Asian gangs outside the West Coast?

Mr. CAREY. Not as prevalent as they are on the West Coast. Most of them exist on the Pacific Rim in Los Angeles, San Francisco, Seattle, Washington, and even up in Canada, but they do extend all through the East Coast as well.

We have seen Asian organized crime in New York and other eastern locations, including Washington and all the metropolitan areas, much like the Crips and Bloods street gangs or the Pagan motorcycle gang. Wherever they can they seek to infiltrate, and very often this is in the major cities. Just like other organized crime groups, they will seek other territories.

DRUG INTELLIGENCE

Ms. PELOSI. I would like to move on to some questions on intelligence. You request \$495,000 to provide initial OCDETF funding and Financial Crimes Enforcement Network, FinCEN. What role does FinCEN play in OCDETF cases?

Mr. CAREY. FinCEN is playing a much larger role than in the recent past. We have learned that it is important to dismantle the entire illegal organization, and, to do so, you can't just limit the investigation to the crimes of violence or the drug trafficking offenses; you must also look to their financial crimes as well.

But secondly, you also conduct the investigation from a financial standpoint as proof of the other substantive offenses. In 1991 we started a pilot program with FinCEN in which we involved them with three OCDETF regions to see what assistance FinCEN could

provide to the OCDETF task forces. We found that they were extremely helpful in producing intelligence documents that were very beneficial in making tactical decisions.

And, because of that, we have asked them to expand their program to the entire country. We are in the process of doing that. Each task force has a person at FinCEN who is designated to be their liaison. Those persons have visited all the task forces and several of the district offices, and the number of requests that we are making of FinCEN is increasing dramatically. That is the reason for our specific request for FinCEN. We anticipate that requests will continue and want to make sure that OCDETF can be served by FinCEN.

Ms. PELOSI. The 14 intelligence specialists, will they be coordinating the gathering and dissemination on intelligence of financial information to each of the task force regions?

Mr. CAREY. Yes. They will be directly involved in each region.

DISSEMINATION OF DRUG-RELATED INTELLIGENCE

Ms. PELOSI. Who is responsible for coordinating the gathering and dissemination of other types of drug-related intelligence in the task force region?

Mr. CAREY. Each of the task force regions, depending on the nature of their intelligence demands, coordinates their own intelligence. It depends on whether we are talking about tactical intelligence relating to the specific investigation, or strategic intelligence involving overall information of large scale trafficking organizations.

On a national basis—that is, for the more strategic type intelligence—we are in the process of creating the National Drug Intelligence Center. As relates to financial information, FinCEN, as we have discussed, and, for interdiction efforts on the borders, it is EPIC. But each of the regional task forces rely on the agencies who are conducting the investigation and who have their own intelligence entities. All those are coordinated on a case-by-case basis.

Ms. PELOSI. I take it from your last answer that there is some OCDETF funding provided for intelligence activities for the El Paso Intelligence Center.

Mr. CAREY. No, that is not correct. The DEA primarily funds that through their direct budget. Other funding sources are also available for it. It has been in operation for a lot longer period of time, and, from an OCDETF standpoint, they have been able to adequately meet our needs. It is the increased activity we expect with the FinCEN that led us to seek funding for them.

Ms. PELOSI. So why would you be funding FinCEN and not EPIC?

Mr. CAREY. We expect that our demands on FinCEN are going to increase, as we spend more and more time on our financial investigations we wanted to assure the OCDETF task forces that we would be able to have a quick turnaround on our requests. That is why we seek to bring them into the OCDETF structure.

Ms. PELOSI. I understand. I have some other questions which we would like to submit to you in writing, Mr. Carey. Thank you very much for your testimony. Unless you have anything you would like to add?

Mr. CAREY. No. It was a pleasure to be here.

Ms. PELOSI. Thank you. Thank you very much for being here.

[Subsequent to the hearing, the following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Organized Crime Drug Enforcement

Drug Law Enforcement

QUESTION: You ask for an increase of 297 positions and \$16.8 million for drug law enforcement. Are these resources needed for new initiatives or to expand existing programs?

ANSWER: An increase of 283 positions and \$16.4 million is needed for the expansion of existing programs and 14 positions and \$475,000 is requested to fund the Financial Crimes Enforcement Network (FinCEN) for a core staff element dedicated to OCDETF investigations.

QUESTION: Has the funding of these task forces through this single appropriation fostered cooperation amongst the various law enforcement agencies?

ANSWER: The OCDETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions has demonstrated the efficacy of the OCDETF's operational model. The single appropriation has fostered this cooperation.

QUESTION: How critical to the success of the OCDE task forces is the support of the Treasury agencies funded in this account?

ANSWER: Since the inception of the OCDETF Program, Treasury agencies have dedicated significant manpower and other resources to further the objectives and mission of the thirteen Core City OCDETFs. They have both initiated and assisted other federal agencies in the development of complex criminal investigations which routinely require that the multi-agency approach be applied to ensure the successful dismantling of a criminal organization's infrastructure. Treasury participation remains critical to the continued success of OCDETF and the effectiveness of its role has been clearly demonstrated over the past several years.

QUESTION: What impact does it have on the task forces when a disproportionate amount of funds is provided to Justice agencies over Treasury agencies?

ANSWER: The most obvious impact that would be caused by the disproportionate allocation of funds between the Justice and Treasury agencies is the amount of dedicated manpower resources that each agency commits to the OCDETF mechanism. Treasury agencies have a mandate to perform a variety of criminal investigations (i.e., fraud, money laundering, etc.). An erosion of funding for Treasury agencies will lead to an erosion of support for OCDETF investigations by those

Treasury agencies. The consequence will then be a proportionate reduction in the multi-agency approach that has been the hallmark and measure of success of the OCDETF task force concept.

Prosecutions

QUESTION: You request an increase of \$3.8 million to handle additional prosecutions by the U.S. Attorneys. Are these funds required due to an increase in the number of cases, or because the cases are more complex?

ANSWER: Of the \$3.8 million requested to handle prosecutions, \$3.5 million will support 89 additional positions (44 attorneys, 18 paralegals, and 27 support positions) in the United States Attorneys' Offices for one quarter of FY 1993. (The remaining \$300,000 will support additional resources for the Tax Division.) The additional prosecutors are requested to handle the anticipated increase in cases as well as the increase in complexity of OCDETF cases. Most OCDETF cases involve wiretaps, money laundering investigations and weapons offenses. This complexity and intensity requires early attorney involvement. The cases involve multi-defendants and indictments. Recently it has been found that, due to the size and complexity of the OCDETF cases, more than one attorney is required to successfully investigate and prosecute a case.

QUESTION: What happens if the OCDE program runs out of funds for prosecutions, does the local U.S. Attorney absorb the expenses?

ANSWER: The U.S. Attorneys closely monitor the funds provided in support of the OCDETF Program. Each U.S. Attorney's office is provided a separate budget for the OCDETF Program expenses, and related expenses are tracked separately in the accounting system. The U.S. Attorney has the authority to transfer funds from the direct budget to the OCDETF budget, if the need arises. However, the U.S. Attorneys do not have the authority to transfer funds from the OCDETF budget to the direct budget. In summary, the U.S. Attorneys' direct appropriation has and will continue to absorb OCDETF related costs, if funding permits.

High Intensity Drug Trafficking Areas

QUESTION: How are you utilizing the \$28 million you received from the Special Forfeiture Fund for High Intensity Drug Trafficking Areas (HIDTA)?

ANSWER: Funds made available to Federal, State and local law enforcement agencies in the Metropolitan HIDTAs are used to support a variety of multi-agency task force type operations. Emphasis has been placed on efforts that focus on money laundering, intelligence, and drug related violent gang crimes.

The HIDTA program is actually a funding mechanism that augments the OCDETF program. HIDTA funding can make a difference by providing operational support to task force operations which focus on major drug related organizations and offenses. Virtually all cases developed as a result of the infusion of HIDTA resources will be prosecuted as OCDETF cases. The \$28 million in Federal funding is specifically used for various operational support needs and equipment. It is not used for salaries of Federal agents or attorneys, but it has covered permanent change of station and transfer costs. It has permitted the expansion of investigative efforts resulting in more OCDETF quality cases being prosecuted in the four Metropolitan areas. It has given the Department's successful OCDETF Program an added boost, allowing proven techniques to be applied to major drug organizations in the key HIDTA areas.

QUESTION: Does the fiscal year 1993 budget propose to provide additional HIDTA funds to the task forces?

ANSWER: The Organized Crime Drug Enforcement appropriation does not include a 1993 request for HIDTA funds. This is due to the fact that it is not known what levels of funding, if any, will be available for this purpose. The funds provided to the Department of Justice for the Metropolitan HIDTA areas is dependent upon the total HIDTA funding Congress provides to the Office of National Drug Control Policy (ONDCP).

Initial planning guidance from ONDCP with respect to 1993 is based on the assumption that funding levels will at least remain the same as 1992, if not increase slightly. The Metropolitan HIDTA Coordinators are currently basing their initial 1993 requests on a \$28 million total for the four Metropolitan HIDTAs.

THURSDAY, MARCH 12, 1992.

COMMUNITY RELATIONS SERVICE

WITNESSES

GRACE FLORES HUGHES, DIRECTOR, COMMUNITY RELATIONS SERVICE
JEFFREY L. WEISS, DEPUTY DIRECTOR, COMMUNITY RELATIONS SERVICE
LYNN MCKENZIE, ACTING ASSOCIATE DIRECTOR, OFFICE OF IMMIGRATION AND REFUGEE AFFAIRS
GAIL B. PADGETT, ASSOCIATE DIRECTOR, OFFICE OF TECHNICAL ASSISTANCE AND SUPPORT
ARTHUR E. COLLINS, JR., ASSOCIATE DIRECTOR, OFFICE OF PLANNING, BUDGET AND EVALUATION
ALFREDA D. BREWINGTON, BUDGET OFFICER, COMMUNITY RELATIONS SERVICE
MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER
ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

COMMUNITY RELATIONS SERVICE 1993 REQUEST

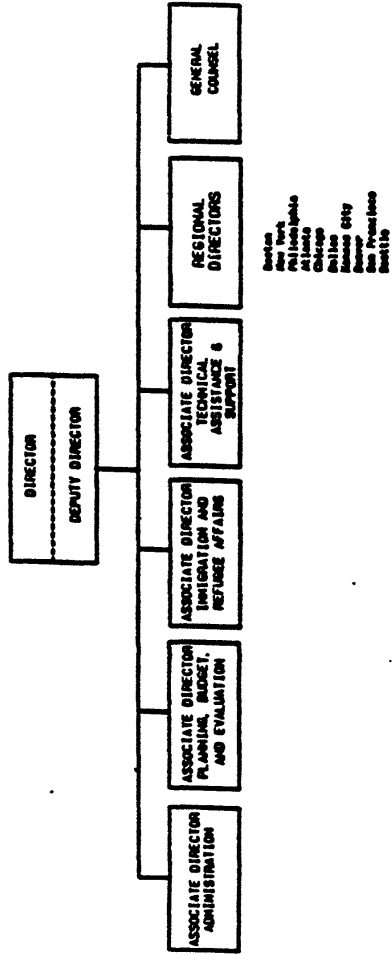
Ms. PELOSI. We will now hear testimony from the Community Relations Service which requests \$36,570,000 for fiscal year 1993. We will insert in the record at this point the CRS fiscal year 1993 budget justifications.

[The justifications follow:]

Department of Justice
Community Relations Service
Estimates for Fiscal Year 1992
Table of Contents

| Item | Page Number |
|--|----------------|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language..... | 3 |
| Crosswalk of 1992 Changes..... | 5 |
| Summary of Requirements..... | 6 |
| Summary of Resources by Program..... | 7 |
| Justification of Program Performance: | 8 |
| Technical Assistance..... | 9 |
| Program Operations..... | 11 |
| Executive Direction and Control..... | 20 |
| Administrative Services..... | 25 |
| Reception, Processing, and Care of Cubans and Haitians..... | 27 |
| Priority Ranking..... | 38 |
| Detail of Permanent Positions by Category..... | 39 |
| Summary of Change..... | 40 |
| Justification of Adjustments to Base..... | 41 |
| Summary of Requirements by Grade and Object Class..... | 45 |

COMMUNITY RELATIONS SERVICE



Approved:  Date: 11-5-07-90

Department of Justice
Salaries and expenses, Community Relations Service

Summary Statement

Fiscal Year 1993

The Community Relations Service (CRS) is requesting, for 1993, a total of \$36,570,000, 122 permanent positions, and 124 workyears for two budget activities that comprise CRS: Conflict Resolution and Processing and Care of Cubans and Haitians.

Conflict Resolution

This activity is responsible for assisting communities in the resolution of disputes, disagreements, and difficulties arising out of race, color, or national origin, as authorized by Title X of the Civil Rights Act of 1964. By bringing disputes to the negotiating table early, CRS attempts to prevent or preclude more costly Federal intervention potentially extending to law enforcement investigations, judicial process and correctional facilities. Program operations consist of three components: Conciliation Services, Outreach, and Immigration and Refugee Affairs Liaison.

Reception, Processing, and Care of Cubans and Haitians

This activity is responsible for the reception, processing, and care of Cuban and Haitian nationals under Title V, Section 501 (c) of P.L. 96-422 (The Refugee Education Assistance Act of 1980), and Executive Order 12341 of January 21, 1982, which transferred these functions to the Department of Justice. Through this activity, CRS furnishes a variety of services to Cubans and Haitian arriving in the United States since 1980. CRS provides outplacement services, resettlement assistance, and medical and mental health care to Mariel Cuban ex-offenders paroled from Immigration and Naturalization Service (INS) and Bureau of Prisons (BOP) institutions or from an inpatient mental hospital. The Service also provides inpatient mental health care to seriously mentally ill and mentally retarded Mariel Cubans in INS custody. With respect to Cuban and Haitian nationals in Federal custody at INS' Kromea Special Processing Center, CRS provides medical and mental health care. Finally, the Service provides resettlement assistance to Cuban and Haitian nationals paroled for humanitarian reasons from the Kromea Special Processing Center. By the providing for the orderly placement and resettlement of Cuban and Haitian entrants, CRS seeks to preclude community conflict, to ensure public safety, and to minimize impact on public resources.

CRS is requesting a program increase of \$8,499,000 for this activity. The bulk of this increase, \$8,386,000, is requested to safeguard the public more effectively through increased capacity for, and enhanced supervision in, the outplacement of

Maribel Cuban ex-offenders, as they become eligible for release from detention. The program increase also includes funding for increased institutional care of mentally ill and mentally retarded Maribel Cubans in IRS custody. By providing for the outplacement of more Maribel Cuban ex-offenders as they are approved for release and for the appropriate mental health care of Maribel inmates, the backlog of Maribels in prison awaiting release will be reduced and the cost of Federal detention will be minimized.

The detained Maribel Cuban population is characterized by severely anti-social behavior. Maribel Cubans approved for release from detention are markedly different from other ex-offenders in that they are products of the Cuban socio-political system that perpetuates dependency, denial of individual responsibility, and reliance upon the state rather than individual initiative. Maribel Cubans are refugees with life histories of violent criminal activity and present complex requirements for successful re-integration into society. In recent years, the already complex outplacement needs of this population have been exacerbated by increased incidence of substance abuse.

Breaking this population's cycle of release from detention, commission of crime, re-arrest, re-detention, and re-release, and integrating released detainees into the community requires the highly structured support services and intensive supervision provided by CRS' halfway house and family sponsorship outplacement programs and medical and mental health care services.

CRS estimates that in 1993, it will be called upon to outplace 821 Maribel Cubans from detention through its halfway house and family sponsorship programs. Base level 1993 resources would allow CRS to outplace only 400 from detention, resulting in an increase of 421 in the backlog of Maribel Cubans detainees at year end. To address this backlog, of the requested program increase of \$8,186,000 for services to Maribel Cubans, \$8,280,000 will provide for expansion and enhancement of CRS' halfway house outplacement program. Through this increase, CRS will be able to outplace 160 of the projected backlog of 421.

Of the \$8,186,000 provided for services to Maribel Cubans, \$3,106,000 will enable CRS to address the rapidly growing need for medical, psychiatric, and substance abuse treatment among the detained Maribel Cuban population. Base level funding for 1993 would provide for funding of 50 beds at an inpatient mental health facility. Among other things, the program increase would provide additional capacity of 20 beds for medical and mental health services and 10 beds for treatment of substance abuse relapse cases. Without this additional bed space, detention facilities may be overwhelmed by the backlog of Maribel detainees requiring mental health and substance abuse treatment. Further, if CRS is unable to provide appropriate care, the Government may risk exposure to increased "conditions of confinement" and "denial of treatment" suits.

Application of the requested funds to these CRS programs will result in an overall reduction in expense to the Federal government as the additional funds will permit an even greater reduction in detention costs. Further, the timely outplacement of Maribel Cubans from detention will decrease the potential for elevated tension within the detained

population. At base level funding, the only alternative to this backlog in Federal detention, would be to release detainees having violent criminal histories, unsupervised and unmonitored, to the streets.

In addition to the \$8,386,000 for services to Mariel Cubans, the request also provides \$113,000 of additional funding to facilitate resettlement of the continuing influx of Cubans and Haitians into the United States in order to reduce the social and economic impact of the migration. This increase will enable CRS to provide resettlement services to 100 more people than it could with base level funding.

Community Relations Services

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Services

For necessary expenses of the Community Relations Service, established by title 2 of the Civil Rights Act of 1964, [§27,343,000], of which not to exceed [\$18,198,000] shall remain available until expended to make payments in advance for grants, contracts and reimbursements and other expenses of the Service, section 501(c) of the Refugee Education Assistance Act of 1980 [Public Law 96-422, §2] Stat. 1809 for the processing, care, custody, security, transportation, and reception and placement in the United States of Cuban and Haitian entrants. Provided that placement notwithstanding section 501(c) (3) (B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422, §2 Stat. 1810) funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act; Provided further, That to expedite the outplacement of eligible Mariel Cubans from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses"; Provided further, That if such reimbursements described above exceed \$500,000, they shall only be made after notification to the Committee on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

(Recruitment Plan No. 1 of 1966; Department of Justice and Related Agencies Appropriations Act, 1992; additional authorizing legislation to be proposed.)

Explanation of changes: The term "contracted" has been added to the appropriation language to indicate that the hospital and halfway house facilities are private sector concerns, operating under contract to the government, not facilities operated directly by the government.

Legal Activities
Salaries and expenses, Community Relations Service

Crosswalk of 1992 Changes
(Dollars in thousands)

| Activity/Program | 1992 President's Budget Request | | | Congressional Appropriations on 1992 Request | | | Approved Reappropriations | | | 1992 Enacted | | |
|---|---------------------------------|-----|--------|--|-----|-----|---------------------------|-----|------|--------------|-----|--------|
| | For | NY | Am | For | NY | Am | For | NY | Am | For | NY | Am |
| 1. Conflict Resolution: | | | | | | | | | | | | |
| a. Technical Assistance..... | 7 | 7 | \$498 | ... | ... | ... | ... | ... | 50 | 7 | 7 | \$548 |
| b. Program Operations..... | 67 | 67 | 6,096 | ... | ... | ... | ... | ... | 612 | 67 | 67 | 6,708 |
| c. Executive Direction and Control..... | 13 | 13 | 1,315 | ... | ... | ... | ... | ... | 132 | 13 | 13 | 1,447 |
| d. Administrative Services..... | 6 | 6 | 402 | ... | ... | ... | ... | ... | 40 | 6 | 6 | 442 |
| Subtotal..... | 93 | 93 | 8,311 | ... | ... | ... | ... | ... | 834 | 93 | 93 | 9,145 |
| 2. Reception, Processing and Care of Cubans and Haitians..... | 10 | 10 | 20,786 | ... | ... | ... | ... | ... | -814 | 10 | 10 | 18,198 |
| Total..... | 123 | 123 | 29,097 | ... | ... | ... | ... | ... | ... | 123 | 123 | 27,343 |

Congressional Appropriations Action on 1992 Request. Full funding was allowed for the Conflict Resolution program. A \$1,754,000 reduction in the overall account was applied entirely to the Reception, Processing and Care of Cuban and Haitians activity.

Approved Reappropriations. In 1991, Congress approved permanent reprogramming of \$814,000 from the Reception, Processing, and Care of Cubans and Haitians activity into the Conflict Resolution activity.

Local Activities
Salaries and expenses, Community Relations Service
Summary of Requirements
(Dollars in thousands)

| | Perm. Pos. | Work Years | Amount |
|--|---------------|---------------|----------|
| Adjustments to base: | | | |
| 1992 as enacted..... | 123 | 123 | \$27,343 |
| Adjustment in permanent positions and workyears..... | -1 | -1 | ... |
| Mandatory increases..... | ... | 2 | 763 |
| Decreases (automatic, non-policy)..... | ... | ... | -38 |
| 1993 base..... | 122 | 124 | 28,071 |

| | 1992 Appropriation | | 1992 Base | | 1993 Estimate | | Increase/Decrease | |
|---|--------------------|-----------|---------------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount |
| Estimates by budget activity | | | | | | | | |
| 1. Conflict Resolution..... | 93 | \$9,145 | 92 | 94 | \$9,687 | 92 | 94 | \$9,687 |
| 2. Reception, Processing and Care of Cubans and Haitians..... | 10 | 18,198 | 10 | 10 | 18,384 | 10 | 10 | 18,384 |
| Total..... | 123 | 27,343 | 122 | 124 | 28,071 | 122 | 124 | 28,071 |

| | 1992 Appropriation | | 1992 Base | | 1993 Estimate | | Increase/Decrease | |
|--------------------------|--------------------|-----------|---------------|-----------|---------------|-----------|-------------------|-----------|
| | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount | Perm. Pos. | NY Amount |
| BOY Employment: | | | | | | | | |
| Full time permanent..... | 121 | ... | 121 | 120 | 120 | ... | ... | ... |
| Other..... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total..... | 123 | ... | 123 | 122 | 122 | 122 | ... | ... |

Local Activities
Salaries and expenses, Community Relations Service
Summary of Resources by Program
(Dollars in thousands)

| | 1991 Actual | | | 1992 as Enacted | | | 1991 Base | | | 1992 Estimate | | | Increase/Decrease | | |
|-----------------------------|-------------|-----------|--------|-----------------|-----------|--------|-----------|-----------|--------|---------------|-----------|--------|-------------------|-----------|--------|
| | Pos. | NY Amount | Per. | Pos. | NY Amount | Per. | Pos. | NY Amount | Per. | Pos. | NY Amount | Per. | Pos. | NY Amount | Per. |
| <u>Estimates by Program</u> | | | | | | | | | | | | | | | |
| Conflict Resolution: | | | | | | | | | | | | | | | |
| Technical Assistance | 6 | 6 | 9505 | 6 | 5 | 9454 | 7 | 7 | 9548 | 7 | 7 | 9601 | 7 | 7 | 9601 |
| Program Operations | 63 | 65 | 6,440 | 63 | 66 | 6,422 | 67 | 67 | 6,708 | 66 | 68 | 7,060 | 66 | 68 | 7,060 |
| Executive Direction | | | | | | | | | | | | | | | |
| and Control | 13 | 13 | 1,432 | 13 | 12 | 1,411 | 13 | 13 | 1,447 | 13 | 13 | 1,524 | 13 | 13 | 1,524 |
| Administrative | | | | | | | | | | | | | | | |
| Services | 5 | 5 | 413 | 5 | 5 | 442 | 5 | 5 | 442 | 5 | 5 | 502 | 5 | 5 | 502 |
| Subtotal | 88 | 90 | 8,792 | 88 | 89 | 8,736 | 93 | 93 | 9,145 | 92 | 94 | 9,487 | 92 | 94 | 9,487 |
| Reception, Processing | | | | | | | | | | | | | | | |
| and Care of Cubans | 30 | 30 | 18,380 | 30 | 30 | 17,724 | 30 | 30 | 18,198 | 30 | 30 | 18,384 | 30 | 30 | 18,384 |
| and Haitians | | | | | | | | | | | | | | | |
| Total | 118 | 120 | 27,172 | 116 | 117 | 26,470 | 123 | 123 | 27,343 | 122 | 124 | 28,071 | 122 | 124 | 28,071 |
| Other Workyears | | | | | | | | | | | | | | | |
| Holiday | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Overtime | 2 | 2 | 117 | 2 | 2 | 117 | 2 | 2 | 125 | 2 | 2 | 126 | 2 | 2 | 126 |
| Total | 120 | 122 | 27,289 | 118 | 119 | 26,587 | 125 | 125 | 27,468 | 124 | 126 | 28,197 | 124 | 126 | 28,197 |

| | 1992 as Enacted | | 1991 Base | | 1991 Estimate | | Increase/Decrease | | |
|---------------------------|-----------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|-----|
| | Pera. | NY Amount | Pera. | NY Amount | Pera. | NY Amount | Pera. | NY Amount | |
| Technical Assistance..... | 7 | 7 | \$548 | 7 | 7 | \$601 | 7 | \$601 | ... |

Long-Range Goal: To resolve community conflicts arising out of discriminatory practices based on race, color, or national origin.

Major Objectives:

To provide technical assistance and support to the regional staff which provides conflict resolution services directly to communities and state and local agencies throughout the country.

To monitor the Service's casework and reporting for quality assurance, and to monitor trends to determine Agency technical assistance needs.

To maintain and operate the Agency's crisis command center and to maintain liaison with the Department's Crisis Management Center.

To operate the 1-800 Hotline, which provides an immediate and effective way for individuals who are parties to racial or ethnic disputes involving harassment or hate violence to request assistance.

To develop and implement comprehensive staff development plans that are responsive to regional staff and Service needs.

To provide technical assistance and support for implementing the Service's national initiatives and special emphasis programs, the Attorney General's and Director's priorities, and interagency and intra-departmental partnerships.

Base Program Description:

The Office of Technical Assistance and Support (OTAS) provides a broad range of support services to the field and headquarters offices pursuant to the Service's conflict resolution mandate. OTAS has made substantial progress toward the automation of many of its clearinghouse and technical support functions. This will allow for the initiation and improvement of several activities designed to enhance conflict resolution and technical assistance services. These activities include the following which are reflected in changes in the workload tables below: (1) increased coordination and monitoring of the conduct and reporting of all regional conflict resolution casework; (2) implementing standard operating procedures for all regional operations; (3) planning and implementing all staff and career development activities for all regional staff; (4)

operating the agency Hotline, Alerts Desk, and Crisis Command Center; (5) cataloging and coordinating the use of all regional libraries and central technical assistance repositories; and, (6) providing staff support to the Director's operational and programmatic initiatives.

Accomplishments and Workload: Accomplishments of the Technical Assistance program are presented in the following table:

| Item | Estimates | | |
|---|-----------|-------|-------|
| | 1990 | 1991 | 1992 |
| Alerts: | | | |
| Alerts logged and referred to regions from the 1-800 Hotline (1)..... | 1,726 | 1,223 | 1,223 |
| Alerts logged and referred to regions by the Alerts Desk Officer (2)..... | 1,726 | 1,223 | 1,423 |
| Total Alerts..... | 1,726 | 1,223 | 2,000 |
| Case consultations (3)..... | 1,400 | 1,850 | 2,160 |
| Items of technical information provided (4)..... | 2,080 | 1,200 | 2,080 |
| Staff Development Programs Developed and Implemented..... | 1 | 3 | 6 |
| Status reports on case activity..... | 52 | 52 | 52 |
| Weekly case reports reviewed for quality assurance (5)..... | 5,100 | 3,400 | 8,860 |
| Bi-weekly Reports on Significant Activities..... | 26 | 26 | 26 |
| Conciliation Casework Technique Models..... | ... | 12 | 18 |
| Outreach Activities..... | ... | 31 | 15 |
| Inter-agency Projects Managed (6)..... | 16 | 8 | 10 |
| Technical Material Catalogued (7)..... | ... | ... | 100 |
| Technical Materials Retrieved and Circulated (8)..... | ... | ... | 300 |

Explanation

(1) Alerts logged and referred to regions are those incidents identified through the intake of telephone calls from the 1-800 Hotline in 1990, 1991, and 1992. The Hotline has operated continuously since establishment on April 30, 1990.

Therefore, the 1990 workload reflects approximately 22 weeks of operation.

- (2) Alerts logged and referred to regions by the Alerts Desk officer represent those incidents identified through the activities of the Alerts Desk officer, beginning in 1992, in monitoring sources of information such as the Federal Bureau of Investigation Hate Crime Statistics Unit, Klanwatch, Anti-Defamation League (ADL), etc.
- (3) Marked increase reflects change in case consultations to written reviews and comments of Weekly Update Reports (WUR's). An average of eighty comments are provided to the regions per week.
- (4) Approximately 173 items of technical assistance are provided monthly.
- (5) A recently added workload item, Case Reports Reviewed for Quality Assurance, reflects a function established in April, 1989, and represents the review of approximately 200 regional case reports per week. Due to the detailing of unit personnel to staff the Cuban Review Panels during 1991, only 5,100 of the 11,789 Weekly Update Reports submitted were reviewed.
- (6) CRS undertakes and coordinates interagency projects each year in cooperation with the public and private sector including: the Federal Bureau of Investigation (FBI), the Department of Housing and Urban Development, the Immigration and Naturalization Service, Coast Guard, the Drug Enforcement Administration/FBI, ODP, Federal Emergency Management Administration, Civil Rights Division, Department of Energy, MCLE, Joint Center, IAPCRS, MOBLE, LULAC, ADR.
- (7) This is a new workload item. During FY 1992, OTAS will enter all agency library and technical assistance volumes and documents into an automated data base. In each year OTAS will enter newly acquired volumes to the library data base.
- (8) OTAS will function as the agency librarian for retrieval and circulation of technical volumes and documents requested by all agency employees.

| | 1992 as Enacted | | 1993 Base | | 1993 Estimate | | Increase/Decrease | | |
|-------------------------|-----------------|------|-----------|------|---------------|---------|-------------------|------|---------|
| | Per. | Pos. | Per. | Pos. | Per. | Pos. | Per. | Pos. | |
| Program Operations..... | 67 | 67 | \$6,708 | 66 | 68 | \$7,060 | 66 | 68 | \$7,060 |
| | | | | | | | | | |

Long-Range Goal: To provide conflict resolution services to resolve community conflicts arising out of discriminatory practices based on race, color, or national origin.

Major Objectives:

- To provide conciliation services through the techniques of mediation, technical assistance and training.
- To help local communities and state agencies establish and improve their own mechanisms for anticipating, preventing, and resolving racial tension or disputes through provision of outreach services.
- To provide liaison services to help ensure the safety and stability of communities in which the Office of Immigration and Refugee Affairs maintains operations.

Basic Program Description: The program operations decision unit provides racial/ethnic conflict resolution services to the public. Prior to 1988, CRS's system of alerts did not comprehensively capture all incidents of community-wide racial and ethnic conflict throughout the country. Community-wide incidents of racial and ethnic conflict identified by CRS increased from 2,031 in 1989 to 3,921 in 1990. In 1991, CRS recorded 3,158 such incidents. Alerts are projected to total 3,854 in 1992, and a similar number in 1993. The increase in alerts from 1989 to 1990 reflects the initiation of the Hate Hotline operation which commenced on April 30, 1990.

In the wake of the sharp increase in violent hate crimes in the Southeast during the fall of 1989, and to more fully record the incidence of racial/ethnic conflict in the country (i.e., 11th Circuit mail bombings), CRS' Director initiated an 1-800-Hotline for the reporting of harassment and hate violence incident's based on race, color, or national origin. The Hotline was announced by the President at the signing of the Hate Crimes Statistics Act, and commenced operations on April 30, 1990. The Hotline constituted one of a variety of Departmental responses to the concerns of the public that incidents of racial and ethnic hate activity were dramatically increasing.

In addition to these efforts, CRS has developed and implemented a broad outreach program to inform the public about the services that the Agency offers. As a result of this effort, CRS expects to identify more community-wide incidents of racial conflict than identified in previous years. In 1992, CRS will establish a Headquarter Alerts Desk Officer function in the Office of Technical Assistance and Support. The Alerts Desk Officer will record and process alerts received through the Hotline, as well as serve as a centralized alerts function to retrieve information from other sources such as national news services, Klanwatch, ADL reports, the FBI Hate Crime Statistics Unit, etc. on incidents of racial/ethnic conflict.

The incidents of racial conflict that will come to CRS' attention through these processes may result in community unrest. CRS assists the parties in resolving their differences through techniques of mediation, training, and technical assistance. Such mediated resolution of community disputes can enhance the United States' economic and social stability. First, it may avert possible serious community disruption and violence that could result in the interruption of commerce, damage to property, and injury or loss of life. Second, it may prevent subsequent more costly dispute resolution alternatives including investigation, prosecution, and litigation.

Categories of racial/ethnic community conflict which will require increased attention in 1993 include:

Excessive Use of Force - Based on CRS's experience over the past quarter century, community conflicts based on minority citizens' reactions to use of force by police may occur when the level of force applied is perceived as being more than what is necessary for the given law enforcement purpose. These incidents have enormous potential for escalating to the level of community-wide violent reaction. To address racial conflict over excessive use of force, CRS meets with all parties to the conflict, assesses their concerns and interests, and provides assistance as they identify and implement actions to resolve the conflict and prevent future incidents. CRS helps the parties explore activities that may build better police-community relations, reduce the potential for future racial conflicts over use of force incidents, and improve the local response mechanisms. In 1990, CRS' workload included 80 cases involving excessive use of force, as opposed to 56 in 1989. CRS' excessive use of force workload increased to 147 in 1991.

For example, in June 1991, CRS convened a Community/Law Enforcement Conference in Los Angeles, California, cosponsored by the Los Angeles County Police Chiefs Association, the Hispanic Advisory Council to the Los Angeles Police Commission and the National Association for the Advancement of Colored People, and the Asian Pacific Planning Council to address excessive use of force issues. CRS is facilitating agreements among the parties on the following police/community relations subjects: citizen complaint process; training; joint community/police education on police practices; use of force; youth-police relations; gangs; and community/cultural sensitivity.

Youth Gangs and Drug Crimes - Police response to youth gang and drug crime activity increases the opportunity for allegations of use of excessive force, insensitivity, and inappropriate police conduct that can heighten racial and ethnic tension within communities. CRS will be working with the U.S. Attorneys, police departments and community leaders through the Department's Weed and Seed program as well as other existing programs to encourage and promote effective police/community partnerships against youth gangs and drug crimes, and to resolve disputes between police agencies and minority communities over law enforcement response to crimes. CRS' workload included 21 cases involving youth gangs and drugs in 1990, versus 9 in 1989. CRS' 1991 workload included 36 such cases.

For example, CRS has entered into partnership with the Department of Housing and Urban Development's (HUD) Office of Drug Free Neighborhoods to initiate Operation Jumpstart in Public Housing Authorities (PHAs) around the country where drug crimes and gang activities have resulted in public crises. CRS also is training local crisis response teams to respond to conflicts in PHAs, and working with HUD to initiate programs in PHAs that will enable local officials and residents to regain control of their neighborhoods and homes.

Racial Unrest in Higher Education - The CRS caseload related to disputes arising out of alleged discriminatory activities on college campuses across the nation has increased in recent years. The number of such cases increased

from 30 in 1989 to 41 in 1990. CRS' 1991 workload included 60 cases involving racial conflict on college and University campuses. CRS' effective leadership in resolving these types of disputes and improving the racial climate on campuses has resulted in increased requests for CRS assistance by college administrators and student groups.

For example, in Providence, Rhode Island, a series of apparently racially motivated assaults against students of Brown University in Providence, Rhode Island, escalated racial tension in the city and resulted in a request for CRS assistance by the University. One unique aspect of the CRS intervention brought together the president of Brown University and minority elected officials, executive directors of local and State agencies, and minority campus leaders. The major result of this activity was an agreement that included the formation of a task force of minority community leaders, co-chaired by minority city council members, to work with University officials in bringing to bear broad-based community support and essential services from the city. It also included the presentation of a seminar for campus police and security personnel on cultural diversity, legal issues, campus policies, and cultural conflict on college campuses.

Hate/Violence and Hate Group Activity - CRS' casework records show an increase in the number of incidents of hate violence and harassment recorded through the alerts system. The number of CRS cases involving hate violence and hate group activity increased from 176 in 1989, to 192 in 1990. In 1991, CRS' workload included 287 such cases. CRS has already assisted 16 states to develop regional coalitions against hate/violence and will assist several other state and local communities examine alternative approaches to prevent, reduce, and adequately respond to racial conflict arising out of racially motivated violent acts.

In early 1991 CRS worked closely with the Uniform Crime Unit of the FBI for several months as it developed a training guide for law enforcement agencies that began to report on Hate Crimes through the Uniform Crime Report System in 1991. All CRS regions participated in a series of training conferences to educate state and local level law enforcement agencies around the country in the collection of hate crime data.

During the summer of 1991, CRS, in cooperation with the Uniform Crime Unit of the FBI, implemented 11 regional training conferences on hate crime data collection targeting the police departments of the 315 largest cities in the country. For 1992, CRS has entered into a partnership with the Federal Law Enforcement Training Center to develop and present training curricula for federal and local law enforcement officials on how to recognize and respond to hate crimes.

Voting Rights Disputes - Disputes over redistricting, voter fraud, and alleged racially discriminatory politics have caused serious community-based conflicts in the past. The probability of voting rights disputes increases significantly at the beginning of each decade as the Census is completed, its results are announced, and redistricting occurs throughout the country. In 1989, CRS worked on 2 cases involving voting rights and

redistricting and 9 such cases in 1990. In 1991, CRS' workload included 13 conflicts involving voting rights. CRS anticipates that the results of the census of 1990 will affect its caseload in this area for the next several years.

For example, in Washington, Louisiana, CRS mediated a voting rights agreement in which the city changed from an at-large system of electing aldermen to a single-member district system. The agreement evolved from a suit to change the method of electing aldermen. The suit was referred to CRS by the Federal District Court for mediation. After counsel for both sides agreed to mediation, the process for instituting a single-member district configuration was worked out with both sides, ensuring that the town of Washington would have equal voting access for all of its registered voters. Through CRS mediation, the parties resolved the issues in a non-adversarial, timely, and cost-effective manner.

Discrimination Against Refugees and Immigrant Groups - Over the past several years, major and sudden population shifts have occurred as a result of the resettlement of large groups of immigrants into the United States, and subsequent migration or secondary resettlement of such individuals within the country. CRS anticipates an increasing demand for its services in resolving issues involving newly arrived immigrants to continue into the 1990's, due to broad cultural differences and ever increasing competition for resources such as housing, education, and jobs.

For example, CRS has been working with the Department of Health and Human Service's (DHHS) Office of Refugee Resettlement (ORR) under a memorandum of agreement. CRS has convened a number of successful conferences in communities throughout the country that are affected by influxes of refugees and immigrants. CRS recently convened a national conference of Southeast Asian refugees and law enforcement representatives to focus on increasing Asian youth gang activity and other issues. The conference, April 2-4, 1991, began the fourth year of the interagency agreement. Approximately ten additional local workshops will be convened across the country during the remainder of the fiscal year. Key elements of the workshops will be building relationships between law enforcement and Asian communities, training parents to become aware of signs of youth gang involvement and what they can do, and networking between law enforcement jurisdictions.

Racial Tensions Involving Native Americans - Major conflicts have occurred both on and off Native American reservations over such issues as protection of sacred grounds, fishing rights, and law enforcement jurisdiction. These conflicts have involved deadly violence and considerable disruption of community peace. The number CRS cases involving Native Americans increased from 43 in 1989, to 57 in 1990. In 1991, CRS' workload included 60 such cases.

For example, in Los Angeles, California, CRS mediated an agreement between the Gabrielino people, a Native American tribe, and the J.H. Snyder Company, developer of the Channel Gateway Project. The agreement provided for

protection of ancestral remains and artifacts in the Los Angeles area. Under the agreement, the company contributed to a trust fund designated by the City of Los Angeles for the development of a Native American Museum. Gabrielino monitors were employed by the developer throughout the excavation phase of Channel Gateway Project and artifacts that were found were returned to the tribe. The company also agreed to arrange for the reburial of ancestral remains and artifacts on a monument site to be developed and landscaped in cooperation with the Gabrielinos. In return for the protection of their ancestral remains, the Gabrielinos agree to support continuation of the project. CGS has worked with several other Native American tribes on disputes involving burial sites in California, including the Chumash and Ohlone Tribes.

Accomplishments and Workload: Accomplishments and workload of the Program Operations program are presented in the following tables: (See footnotes beginning at page 19)

| Item | 1990 | 1991 | Estimate | |
|------------------------------------|-------|-------|----------|-------|
| | | | 1992 | 1993 |
| Regional Workload: | | | | |
| 1. Alerts: | | | | |
| a. Pending, start-of-year (1)..... | 229 | 317 | 334 | 168 |
| b. Received (2)..... | 2,107 | 1,935 | 2,431 | 2,431 |
| c. Processed (3)..... | 2,078 | 1,918 | 2,597 | 2,599 |
| d. Pending, end-of-year (1)..... | 317 | 334 | 168 | ... |
| 2. Assessments: | | | | |
| a. Pending, start-of-year (1)..... | 224 | 314 | 288 | 225 |
| b. Received (4)..... | 1,745 | 1,642 | 1,947 | 1,977 |
| c. Processed (5)..... | 1,655 | 1,668 | 2,010 | 2,048 |
| d. Pending, end-of-year (1)..... | 314 | 288 | 225 | 154 |
| 3. Conciliation Cases: | | | | |
| a. Pending, start-of-year (1)..... | 458 | 632 | 660 | 939 |
| b. Received (4)..... | 975 | 913 | 1,379 | 1,393 |
| c. Processed (5)..... | 801 | 885 | 1,100 | 1,148 |
| d. Pending, end-of-year (1)..... | 632 | 660 | 939 | 1,184 |
| 4. Outreach Activities: | | | | |
| a. Pending, start-of-year (1)..... | ... | ... | 10 | 66 |
| b. Received (4)..... | ... | ... | 327 | 317 |
| c. Processed (5)..... | ... | ... | 271 | 280 |
| d. Pending, end-of-year (1)..... | ... | ... | 66 | 107 |

| Item | Estimates | | |
|--|-----------|-------|-------|
| | 1990 | 1991 | 1992 |
| Regional Workload: | | | |
| 5. Immigration Liaison Activities: | | | |
| a. Pending, start-of-year (1)..... | ... | ... | ... |
| b. Received (4)..... | ... | ... | 35 |
| c. Processed (5)..... | ... | ... | 35 |
| d. Pending, end-of-year (1)..... | ... | ... | ... |
| Hotline and Alerts Desk Workload: | | | |
| 1. Alerts: | | | |
| a. Pending, start-of-year (1)..... | ... | 23 | 23 |
| b. Received (2)..... | 1,726 | 1,223 | 1,423 |
| c. Processed (3)..... | 1,703 | 1,223 | 1,423 |
| d. Pending, end-of-year (1)..... | 23 | 23 | 23 |
| 2. Assessments: | | | |
| a. Pending, start-of-year (1)..... | ... | 6 | 7 |
| b. Received (4)..... | 86 | 21 | 24 |
| c. Processed (5)..... | 80 | 20 | 23 |
| d. Pending, end-of-year (1)..... | 6 | 7 | 8 |
| 3. Conciliation Cases: | | | |
| a. Pending, start-of-year (1)..... | ... | 4 | 5 |
| b. Received (6)..... | 9 | 1 | 5 |
| c. Processed (7)..... | 5 | ... | 8 |
| d. Pending, end-of-year (1)..... | 4 | 5 | 2 |
| TOTAL CBS WORKLOAD: | | | |
| 1. Alerts: | | | |
| a. Pending, start-of-year (1)..... | 229 | 340 | 357 |
| b. Received (2)..... | 3,921 | 3,158 | 3,835 |

| Item | Estimates | | |
|------------------------------------|-----------|-------|-------|
| | 1990 | 1991 | 1992 |
| c. Processed (3)..... | 3,810 | 3,141 | 4,020 |
| d. Pending, end-of-year (1)..... | 340 | 357 | 191 |
| | | | 23 |
| 2. Assessments: | | | |
| a. Pending, start-of-year (1)..... | 224 | 320 | 295 |
| b. Received (4)..... | 1,831 | 1,563 | 1,971 |
| c. Processed (5)..... | 1,735 | 1,588 | 2,033 |
| d. Pending, end-of-year (1)..... | 320 | 293 | 233 |
| | | | 233 |
| | | | 2,001 |
| | | | 2,072 |
| | | | 142 |
| 3. Conciliation Cases: | | | |
| a. Pending, start-of-year (1)..... | 458 | 636 | 665 |
| b. Received (6)..... | 984 | 914 | 1,384 |
| c. Processed (7)..... | 806 | 885 | 1,108 |
| d. Pending, end-of-year (1)..... | 636 | 665 | 941 |
| | | | 1,184 |
| 4. Outreach Activities: | | | |
| a. Pending, start-of-year (1)..... | ... | ... | 10 |
| b. Received (6)..... | ... | ... | 327 |
| c. Processed (7)..... | ... | ... | 271 |
| d. Pending, end-of-year (1)..... | ... | ... | 66 |
| | | | 103 |
| 5. Immigration Liaison Activities: | | | |
| a. Pending, start-of-year (1)..... | ... | ... | ... |
| b. Received (4)..... | ... | ... | 35 |
| c. Processed (5)..... | ... | ... | 35 |
| d. Pending, end-of-year (1)..... | ... | ... | ... |
| | | | ... |

Explanation:

FY 1990 workload is changed from that presented in prior submissions to reflect corrections of errors in database.
Regional Workload reflects conciliation activities arising out of alerts received through CRS' network of ten Regional Offices and three Field Offices.

Program Operations workload has been revised to reflect new standard operating procedures governing conduct of conflict resolution, outreach, and immigration and refugee affairs liaison casework. Conciliation cases include disputes resolved through mediation, training, and technical assistance. Outreach cases are CRS activities such as conferences and dialogues that promote resolution or prevention of conflicts, promote development of conflict resolution skills, and inform communities about CRS assistance. Immigration and Refugee Affairs Liaison cases are CRS activities conducted by conflict resolution budget activity staff to facilitate settlement and resettlement efforts of the Reception, Processing and Care of Cubans and Haitians budget activity.

Hotline and Alerts Desk Workload reflects conciliation activities arising out of the 1- 800-347-HATE Hotline in 1990 and 1991 and through both the Hotline and activities of the Alerts Desk Officer in 1992.

Reductions in workload elements alerts received and alerts processed from 1990 to 1991 reflect the following: (1) CRS involvement in a number of high priority conflict resolution activities that required the application of work hours well in excess of the average hours per conciliation case (Examples include Administration of Justice cases in Los Angeles, Washington, and Milwaukee.); (2) loss of seasoned conciliation staff through attrition; and (3) operation of a learning curve during phased introduction of new standard operating and reporting procedures.

Reduction in 1991 alerts received workload item does not reflect a reduction in racial and ethnic tension. Rather, it reflects CRS' inability to fully record incidents of racial and ethnic conflict during the year due to the circumstances noted in the preceding paragraph. Increases in 1992 and 1993 alerts received reflects: (1) full staffing of current Program Operation positions; (2) incremental staffing of Program Operations provided by the program increase approved for 1992; and the impact of staffing of an Alerts Desk Officer position provided by a program increase approved for 1992.

- (1) Alerts, Assessments, Cases, Outreach Activities, and Immigration and Refugee Affairs Liaison Activities Pending are CRS activities that have been neither completed nor closed at the end of the Fiscal year.
- (2) Alerts Received are incidents of racial and ethnic dispute, disagreement, and difficulty that are identified by, or to, CRS during the Fiscal Year.
- (3) Alerts Processed are those alerts that have been closed at the alert stage or moved to the assessment stage during the Fiscal Year.
- (4) Assessments Received are alerts that have been moved from the alert stage to the assessment stage during the Fiscal Year.
- (5) Assessments Processed are assessments that have been closed at the assessment stage or moved to conciliation or mediation case status during the Fiscal Year.

- (6) Cases Received are assessments that have been moved to conciliation status during the Fiscal Year.
- (7) Cases Processed are cases that have been closed during the Fiscal Year.

| | 1992 as Enacted | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|------------------------------------|-----------------|------|-----------|------|---------------|---------|-------------------|------|
| | Perma. | Pos. | Perma. | Pos. | Perma. | Pos. | Perma. | Pos. |
| | Amount | Pos. | Amount | Pos. | Amount | Pos. | Amount | Pos. |
| Executive Direction and Control... | 13 | 13 | \$1,447 | 13 | 13 | \$1,524 | 13 | 13 |
| | | | | | | | \$1,524 | ... |
| | | | | | | | ... | ... |

Long-Range Goal: To ensure CRS' effective and efficient service delivery through establishing policy, planning programs, and monitoring and evaluating performance.

Major Objectives:

To develop, implement, and monitor the execution of CRS policy consistent with Federal legislation, regulation, Departmental policy, and other relevant authority.

To conduct research, planning, and evaluation procedures to ensure that programmatic activities are responsive to demand for services.

To formulate, monitor, and manage CRS' budget to ensure efficient use of financial resources.

To manage CRS' automated data processing (ADP) resources and management information systems to ensure adequacy of information processing services and integrity of operational data.

To conduct relevant, reliable, and timely evaluation of CRS' programs and analysis of operations to ensure efficient delivery of effective, high-quality services.

To conduct and coordinate communication with Congress, Federal agencies, other Departmental components, national private sector organizations, news media, and the public to ensure provision of timely and accurate information.

To provide legal oversight, review, and analysis service to CRS' components.

Basic Program Description: The functions of Executive Direction and Control are carried out by the Office of the Director and the Office of Planning, Budget, and Evaluation. The Office of the Director: develops, implements, and monitors adherence to CRS' policy; monitors CRS' compliance with Department of Justice's guidance, and Federal law; defines CRS'

program priorities, goals, and objectives; supervises programmatic performance; manages and coordinates external communication; conducts liaison activities with national organizations; and provides legal review and analysis of CRS' operations.

The Office of Planning, Budget, and Evaluation: conducts internal and external research to identify service requirements and policy issues; coordinates CRS' outreach program activities; develops and pilots responsive program concepts and relevant policy proposals; operates CRS' annual and long-term planning processes; formulates and monitors the execution of the CRS budget; manages CRS' ADP activities; operates its management information systems; periodically analyzes CRS' programs and operations; and recommends actions to the Office of the Director regarding CRS' policy, programming, and performance.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

| Item | Estimates | | | |
|---|-----------|------|------|------|
| | 1990 | 1991 | 1992 | 1993 |
| Planning and Evaluation | | | | |
| Annual office plans reviewed and approved (1)..... | 16 | 15 | 15 | 15 |
| Reports on operations (2)..... | 4 | 4 | 12 | 12 |
| Evaluations of programmatic performance (3)..... | ... | 0 | 4 | 3 |
| Outreach | | | | |
| National outreach activities conducted (4)... | ... | ... | 2 | 2 |
| Outreach technical assistance provided (5)... | ... | ... | 40 | 60 |
| Outreach activities monitored (6)..... | ... | ... | 130 | 130 |
| Outreach activity documentation developed (7) | ... | ... | 2 | 2 |
| Outreach activities evaluated (8)..... | ... | ... | 10 | 10 |
| General Counsel | | | | |
| Responses to FOIA/PA inquiries (9)..... | 37 | 26 | 35 | 35 |
| Responses to regional office requests for legal assistance/opinions (10)..... | 747 | 750 | 750 | 750 |
| Studies of proposed legislation (11)..... | 2 | 3 | 3 | 3 |
| Judicial, regulatory, and legislative items reviewed (12)..... | 790 | 780 | 780 | 780 |

Item

| | 1990 | 1991 | 1992 | Estimates 1993 |
|---|--------|--------|--------|-------------------|
| Directives revised/published (13)..... | 6 | 8 | 8 | 8 |
| Responses to Ethics inquiries (14)..... | 32 | 55 | 55 | 55 |
| <u>Media Affairs</u> | | | | |
| Public information requests (15)..... | 43 | 45 | 45 | 45 |
| CRS publication requests (16)..... | 47 | 50 | 50 | 50 |
| Special requests for CRS information (17)... | 10 | 20 | 20 | 20 |
| Press calls (18)..... | 332 | 340 | 340 | 340 |
| <u>Congressional Liaison</u> | | | | |
| Responses to Congressional inquiries (19)... | 78 | 80 | 80 | 80 |
| <u>Budget</u> | | | | |
| Budget reports prepared (20)..... | 12 | 12 | 12 | 12 |
| <u>ADP/Information Management</u> | | | | |
| Maintenance of official files, records filed (21)..... | 15,054 | 11,550 | 13,100 | 13,100 |
| ADP maintenance activities (22)..... | 15,114 | 11,900 | 13,400 | 13,400 |
| Applications developed (23)..... | 1 | 4 | 4 | 6 |

The following footnotes define workload items for the Executive Direction and Control Decision Unit.

- (1) Annual Office Plans Reviewed and Approved - Pursuant to the Director's planning guidance memorandum, each component office prepares an annual plan of work. Each plan of work is reviewed by the Office of Planning, Budget, and Evaluation, and approved by the Office of the Director.
- (2) Reports on Operations - Currently, three quarterly statistical analyses of field operations and one annual statistical analysis of field operations and four quarterly summaries of regional performance by priority coding are prepared. On October 1, 1991, CRS implemented a revised data collection and reporting process that includes monthly summaries of key operational data and weekly case management reports, and provides for ad hoc report generation capability by

all components of CRS.

- (3) Evaluations of Programmatic Performance - During 1991, CRS will revise its quality assurance process in order to ensure that each regional office's programmatic performance is thoroughly reviewed at least once every three years. The process will be tested and implemented in 1992.
- (4) National outreach activities conducted - This is a new workload category reflecting conduct of National-scope dialogues and conferences.
- (5) Outreach technical assistance provided - This is a new workload category reflecting Headquarters assistance to Regional Offices in conducting regional, state, and local outreach activities.
- (6) Outreach activities monitored - This is a new workload category reflecting Headquarters review of Regional Office outreach activities.
- (7) Outreach activity documentation developed - This is a new workload category reflecting development of replicable outreach methodologies, case studies, curricula, and models.
- (8) Outreach activities evaluated - This is a new workload category reflecting on-site evaluation of specific National and Regional outreach activities to ascertain: (1) case impact, and (2) adherence to outreach program standard operating procedures.
- (9) Responses to FOIA/PA Inquiries - Responses to requests for access to records under the Freedom of Information Act and the Privacy Act are prepared and reviewed by the General Counsel who functions as FOIA/PA Officer.
- (10) Responses to Regional Requests for Legal Assistance - General Counsel provides legal guidance to regional offices in the conduct of Conflict Resolution Program case work.
- (11) Studies of Proposed Legislation - The Office of the Director coordinates analysis of proposed legislation bearing upon CRS' operations and demand for its services.
- (12) Judicial, Regulatory, and Legislative Items Reviewed - Office of the General Counsel reviews current Supreme Court, Court of Appeals, and significant district court decisions, pending legislation, administrative Agency proposed regulations and decisions, and various other documents in order to provide guidance through oral and written comments to the field and headquarters staff and to Departmental components with whom CRS interacts.
- (13) Directives Revised/Published - CRS' policy and program and management directives are codified through the Office of

the Director's system of Directives. The Directives system is reviewed annually, updated as necessary, and new Directives developed when warranted.

- (14) General Counsel serves as the Deputy Designated Agency Ethics Official and is responsible for providing legal advice, training, and component review regarding post-employment restrictions, political activity, financial disclosure, travel issues, gift acceptance restrictions, honoraria prohibition, and other ethics issues.
- (15) Public Information Requests - Responses to requests for information (excluding Freedom of Information Act/Privacy Act) from the public and media are coordinated and completed by the Media Affairs Officer.
- (16) CRS Publication Requests - Requests for the regional and field offices, community civic organizations, university libraries (domestic and foreign), police departments and the public for information about CRS.
- (17) Special requests for CRS information - Specific requests about CRS' caseload that involved substantial research and usually a special computer search for information.
- (18) Press calls - Requests from the print and electronic media for information regarding CRS' programs and activities.
- (19) Responses to Congressional requests for information are coordinated by the Office of the Director.
- (20) Budget Reports Prepared - Internal budgetary reports for each CRS component are compiled and analyzed by the Office of Planning, Budget, and Evaluation, for review and action by the Office of the Director.
- (21) Maintenance of Official Files - The Office of Planning, Budget, and Evaluation maintains the official files of CRS' Conflict Resolution Program.
- (22) ADP Maintenance Activities - The Office of Planning, Budget, and Evaluation performs data entry and update of the Operational Data Information System databases and routine maintenance of the Headquarters computerized general support system.
- (23) Applications Developed - Standardized personal computer applications are developed or revised within the Office of Planning, Budget, and Evaluation.

| | 1992 as Enacted | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | | |
|------------------------------|-----------------|----|-------|-----------|----|-------|---------------|----|-------|-------------------|-----|------|
| | Perm. | MY | Pos. | Perm. | MY | Pos. | Perm. | MY | Pos. | Perm. | MY | Pos. |
| Administrative Services..... | 6 | 6 | \$442 | 6 | 6 | \$502 | 6 | 6 | \$502 | ... | ... | ... |

Long-Range Goal: To improve operational efficiency and management controls in the delivery of personnel, procurement, financial management, and other administrative and management support services.

Major Objective:

To provide timely advisory services to all management levels on technical matters related to management controls, personnel and administrative management functions.

To develop and operate an effective management controls program in compliance with the Federal Managers' Financial Integrity Act and the OMB Circular A-123, and to reduce the potential for fraud, waste, and mismanagement of Agency resources.

To provide timely processing of all requests for personnel actions, procurement, financial management, and other administrative support services (i.e., supply requests, telephone requests, space management, travel, security).

Base Program Description: The Administrative Office provides a wide range of services to CRS' headquarters and regional offices, including administrative support, personnel, financial, and procurement services. The program provides direct input of vouchers, personnel requests, requests for goods and services, obligating documents, inventory control, etc. to the Justice Management Division's accounting system. The Office is also responsible for management support functions, including the Service's Staff Development Program, Management Controls Program, Audit Resolution, and compliance activities.

Accomplishments and Workload: Accomplishments of the Administrative Services program are presented in the following table:

| Item | Estimates | | |
|--|-----------|-------|-------|
| | 1990 | 1991 | 1992 |
| Personnel and payroll actions processed (1)... | 852 | 800 | 4,140 |
| Procurement actions processed (2)..... | 442 | 500 | 500 |
| Financial records Created (3)..... | 1,557 | 2,100 | 2,100 |
| Invoices Processed (4)..... | ... | 1,000 | 1,000 |
| Administrative Services (5)..... | 1,695 | 1,700 | 1,700 |
| Special reports Prepared (6)..... | 44 | 50 | 50 |

| Item | Estimates | | |
|--|-----------|------|------|
| | 1990 | 1991 | 1992 |
| Monitoring and tracking (7)..... | 191 | 250 | 250 |
| Conference Planning (8)..... | 4 | 10 | 15 |
| Staff Development/Training (9)..... | 118 | 150 | 150 |
| Management and Audit Reviews conducted (10)... | ... | 10 | 10 |

Explanation

- (1) Personnel and Payroll Actions - Effective in 1992, in conjunction with the transfer of payroll functions to the NPC in New Orleans, JND will transfer responsibility to DOJ components for inputting personnel and payroll data directly into the PC-TARE. Includes processing all awards, training requests, performance appraisals, performance workplans, promotions, recruitment, details, reassignments and re-descriptions of duties. Also includes furlough notices and letters for 1990 only.
- (2) Procurement actions processed - Includes all SF-186's (requisitions) prepared to initiate either a purchase order or petty cash transaction.
- (3) Financial records created - Includes obligations, notes and invoices for CRS as well as payment errors and charges other than partial and final payments. Beginning in 1991 CRS is responsible for inputting travel and procurement data.
- (4) Process invoices - Includes the payment of bills for procurement acquisitions, reimbursable agreements, and recurring charges related rentals, services, and contracts.
- (5) Administrative services - Includes the processing of requests for supplies, travel vouchers, telephone, space reports, and parking permits.
- (6) Special reports prepared - Includes special internal and external reports prepared by the Office of Administration.
- (7) Monitoring and tracking - Automated systems were developed and implemented to track and monitor the status of procurement and controlled documents. Also began implementing periodic review of reports to detect potential or actual abuse, misuse or mismanagement of CRS resources.
- (8) Conference planning - Includes providing logistical planning and support for CRS conferences and meetings.
- (9) Staff development - Includes developing policies and procedures for the CRS Staff Development Program; developing and

analyzing Individual Development Plans for all employees; developing training to meet a group of employees' needs; and monitoring and processing Requests for Training.

(10) Management and Audit Reviews conducted - Includes administrative and management control reviews of OA, Regional, Offices and other activities and functions (i.e., financial management, procurement, Diners OTR account, use of GSA cards, telephone calling cards, etc.). This element was not reported prior to 1990.

| 1992 as Enacted | | 1991 Base | | 1991 Estimate | | Increase/Decrease | |
|-----------------|-----------|-----------|-----------|---------------|-----------|-------------------|-----------|
| Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount | Pos. | NY Amount |
| 30 | \$18,198 | 30 | \$18,331 | 30 | \$26,830 | ... | \$8,499 |

Reception, Processing and Care of Cubans and Haitians.....

Long-Range Goal: To locate and resettle Cuban and Haitian entrants so as to promote public safety, avoid community conflict and minimize the impact on public resources.

Major Objectives:

To relieve the burden on federal detention facilities caused by the retention in custody of Mariel Cubans who have been approved for release to INS custody from federal, state, and local criminal justice systems.

To provide appropriate resettlement services to Cuban and Haitian nationals, including unaccompanied minors, who are paroled for humanitarian reasons by the INS from its Krome Service Processing Center.

To provide secondary resettlement services, through grants and cooperative agreements with voluntary agencies, to Cuban and Haitian entrants living in South Florida, whose initial resettlements did not lead to their achievement of economic self-sufficiency.

To provide cost-effective health and mental health care services to the Cuban and Haitian nationals in federal custody at the Krome Service Processing Center.

To provide cost-effective health and mental health care services to Mariel Cubans at an inpatient mental health hospital and to provide community-based mental health treatment programs in Public Health Service-administered halfway houses for Mariel Cubans paroled from INS detention.

To reduce the impact on state and local health and mental health care services by providing resettlement and community follow-up services to Cuban entrants who have been discharged from Public Health Service community-based treatment programs and who are ready to make the transition to independent living.

Basic Program Description: Through this activity, CRS provides outpatient, resettlement, medical, and mental health care services to Mariel Cuban detainees paroled by INS from INS and BOP detention facilities and from St. Elizabeths Hospital. CRS also provides medical and mental health care and resettlement services to Cuban and Haitian nationals in Federal detention at the Krome Service Processing Center and at an inpatient mental health hospital. Services are provided to eligible individuals through grants and cooperative agreements with voluntary and private agencies, and through the operation of an interagency agreement with the PHS.

The primary populations served include certain Cubans who arrived in the United States during the Mariel Boatlift of 1980 and every year thereafter, and those Haitians who arrived in 1980 and each year thereafter, and who have been detained by INS for undocumented entry into the United States and are subsequently paroled by the INS from Federal detention.

CRS relieves the burden placed on federal detention facilities caused by the return of Mariel Cubans to INS custody from federal, state and local criminal justice systems by resettling Mariel Cubans approved for release by INS into the community through CRS halfway houses and family sponsorship programs. Outplacement through CRS halfway houses provides highly structured residential and community-based services for Mariel Cubans whose needs and criminal histories dictate substantial support and intensive supervision in order for them to become self-sufficient. Outplacement through family sponsorship provides transitional assistance to individuals whose needs and criminal histories do not require intensive residential or community supervision.

CRS also provides appropriate resettlement services to Cuban and Haitian nationals, including unaccompanied minors, who are paroled for humanitarian reasons by the INS from its Krome Service Processing Center through the use of grants and cooperative agreements with voluntary agencies for provision of shelter care, child welfare, and resettlement services.

CRS provides secondary resettlement services through grants and cooperative agreements with voluntary agencies, to Cuban and Haitian entrants living in South Florida, whose initial resettlement did not lead to their achievement of economic self-sufficiency. This assistance reduces the impact of this population upon state and local resources. Program emphasis is placed upon employment development, placement, and retention.

Accomplishments and Workload: Accomplishments of the Reception, Processing, and Care activity are presented in the following tables:

| Item | Estimates | | |
|--|-----------|--------|--------|
| | 1990 | 1991 | 1992 |
| Total number of Mariel Cubans detained in Federal custody..... | 2,610 | 2,610 | 2,610 |
| Number of Mariel Cubans Returned to Federal Custody..... | 1,200 | 1,200 | 1,200 |
| CRS Resettlements: | | | |
| Mariel Cubans Outplaced from INS/BOP Detention Facilities: | | | |
| - Through CRS Halfway House Program..... | 392 | 442 | 520 |
| - Through CRS Family Sponsorship Program.. | 85 | 68 | 100 |
| Cubans and Haitians Resettled from the INS/Krome SPC: | | | |
| - Adults & Accompanied Minors..... | 600 | 2,515 | 1,800 |
| - Unaccompanied Minors/Shelter Care..... | 185 | 160 | 100 |
| Secondary Resettlement Assistance in South Florida..... | 400 | 135 | 200 |
| Aftercare for Mariel Cubans Completing PHS Programs..... | 62 | 35 | 35 |
| PHS Services: | | | |
| Health and mental health care: | | | |
| - Psychiatric, substance abuse, and long-term care residents at: | | | |
| St. Elizabeths Hospital..... | 228 | 250 | 175 |
| PHS Outplacement..... | 200 | 200 | 222 |
| Short-term Care: | | | |
| Clinic visits..... | 10,000 | 12,000 | 11,500 |
| Hospital days (1)..... | 150 | 50 | 50 |
| Mental Health evaluations: (2) | | | |
| PHS/INS Facility (SEH)..... | 912 | 800 | 700 |
| APP, PADC, and other facilities (3)..... | 1,600 | 1,600 | 1,600 |

| Item | Estimates | |
|-------------------------------|-----------|------|
| | 1990 | 1992 |
| Grant Activities: | | |
| Grant Proposals Processed: | | |
| - CRS..... | 13 | 13 |
| - PHS..... | | 16 |
| Grants Awarded: | | |
| - CRS..... | 13 | 13 |
| - PHS..... | 2 | 2 |
| Grant Activities (continued): | | |
| Agencies Receiving Grants: | | |
| - CRS..... | 9 | 9 |
| - PHS..... | 2 | 2 |
| On-site Visits: | | |
| - CRS..... | 39 | 39 |
| - PHS..... | 12 | 12 |

(1) Does not include medical hospitalizations at St. Elizabeths Hospital (SEM). (2) Beginning in 1987, only mental health screening on returned entrants and evaluations required by INS or CRS were completed. SEM's full capacity was utilized and every admission called for mental health evaluation and further work-up as indicated (an average of 4 evaluations per patient beginning in 1990). (3) APP refers to the Atlanta Federal Penitentiary, and FADC refers to Federal Alien Detention Centers.

The following describes workload items for the Reception, Processing, and Care of Cuban Haitians Decision Unit.

CRS Program Descriptions:

Halfway House Program provides the following structured outplacement services to Mariel Cubans released from detention: English as a second language training; job development and placement; individual and group counseling; life skills training; acculturation; and close supervision.

Family Sponsorship Program provides the following outplacement services to Mariel Cubans released from detention: counseling of Mariels and sponsoring families; job development and training; referral to community support services; acculturation; medical services; and close supervision.

Primary Resettlement Program provides transitional community - based refugee resettlement services to recently apprehended Cuban and Haitian nationals paroled from INS detention. Secondary Resettlement Program provides resettlement services, emphasizing employment placement and retention, at specialized sites outside the state of Florida to Cubans and Haitians whose initial resettlement in South Florida did not lead to self-sufficiency. These primary and secondary resettlement services include:

- Arranging for family reunification or for entrant to be met at point of final destination by agency/sponsor providing resettlement services;
- Providing temporary accommodation, as necessary, and assisting in obtaining initial housing and essential furnishings;
- Assuring that food or food allowances and clothing are provided and that other basic needs of the entrant are temporarily met;
- Assisting entrant in applying for social security cards, registering children in school and in preparing immigration documents for employment authorization and adjustment of immigration status;
- Providing employment counseling and referrals, as well as advising on availability and procedures for applying for training programs, if applicable;
- Enrolling entrants in comprehensive English as a Second Language; and,
- Assisting entrants in obtaining appropriate health services and assisting those with known health problems in securing treatment.

Aftercare Program provides the following services to clients who graduate from PHS' residential programs to CMS' community-based program: job information and referral; instruction on accessing community support services; assistance in housing; individual and group counseling; and close supervision.

PHS Program Descriptions:

Kromea Service Processing Center: CMS funds all health screening activities, as required, as well as all necessary medical and mental health care services for Cubans and Haitians detained at the Kromea Service Processing Center in South Florida.

St. Elizabeths Hospital: Provides comprehensive mental health inpatient services for seriously mentally ill and mentally retarded Cubans in INS custody.

Mental Health Evaluations: Extensive mental health evaluations of Cubans detained in INS, BOP, and other facilities are used by PHIS, CRS, INS, and BOP to plan for effective treatment and outplacement.

Mental Health Outplacement Projects: Residential programs providing comprehensive bilingual/bicultural mental health treatment and rehabilitation to Cubans following release from St. Elizabeths.

Substance Abuse Program: Provides education, medical, and psychological treatment, and training in skills required to remain substance free in the community.

Workloads presented for primary and secondary resettlement of Cubans and Haitians in 1991, 1992, and 1993 reflect current best estimates of CRS, based upon 1991 workload. Primary and secondary resettlements for 1991 are higher than those presented in previous submissions. This reflects the elevated level of Cuban and Haitian migration to the United States, particularly South Florida, and the increase in that rate resulting from economic and political turbulence in both Cuba and Haiti. In the last quarter of 1990 and in 1991, CRS experienced a drastic increase in the number of unaccompanied children entering South Florida from Haiti. In addition, the number of adults entering the United States on rafts and boats from Cuba and Haiti has increased to critical numbers. During the first seven months of 1991, the number of Cubans/Haitians entering the U.S. via boats, rafts, and planes surpassed the numbers that entered during all of 1990. This influx of Cubans and Haitians is straining CRS' capacity for the provision of primary resettlement services and is expected to do so into 1992 and 1993.

As Haitian entrants have adjusted their status through the Immigration Reform and Control Act, many have sought CRS assistance in building a permanent and better life in the United States. The number of entrants in South Florida seeking CRS secondary resettlement services has increased significantly. There is no sign that the need is abating; housing and employment opportunities in South Florida remain extremely limited, and the concentration of entrants in the area continues to intensify.

Workload presented for outplacement of detained Mariel Cubans in 1991, 1992, and 1993 reflects current best estimates of CRS, PHIS, and INS. Outplacements for 1991 were lower than projected due to lower than expected rates of approval for release for the Cuban Review Panels in 1990 and 1991.

There are currently about 2,610 Mariel Cubans in federal custody, and another 3,000 in state and local detention facilities awaiting return to federal custody. The loss of the 2,400 detention spaces at the Atlanta and Oakdale detention facilities as a result of the November 1987 riots has caused serious problems of overcrowding and safety in the INS and BOP detention facilities housing Mariel Cubans.

It is estimated that during 1992, approximately 900 Mariel Cubans will be approved for release from among those Mariel Cubans still in detention, as well as those returned to INS custody from federal, state and local criminal justice systems.

It is estimated 900 additional Mariel Cubans will be approved for release in 1993 and again in 1994. The release of these individuals depends on the availability of appropriate halfway house programs or family sponsors. CRS projects outplacement of approximately 620 Mariel detainees in 1992, and 400 in 1993.

Program Changes

| | 1992 Base | | 1993 Estimate | | Increases/Decreases | |
|--|-----------|-------------|---------------|-------------|---------------------|---------|
| | Perm. | Pos. | Perm. | Pos. | Perm. | Pos. |
| Reception, Processing and Care of Cubans and Haitians..... | 30 | 30 \$18,331 | 30 | 30 \$26,830 | ... | \$8,499 |

The absorption of inflationary increases over the past years has significantly reduced CRS' capacity to provide services to Mariel Cubans and Haitians. In 1990 and 1991, the costs of providing medical, psychiatric, and substance abuse treatment to detained Mariel Cubans escalated as a result of a number of factors: 1) increased medical costs nation-wide; 2) a proportional increase in need for physical care demanded by an aging population of detained Mariel Cubans; and 3) the increasingly prevalent incidence of severe substance abusers among the population in need of costly substance-abuse treatment. In order to maintain a constant level of service, while absorbing these increases, CRS funded its base programs with prior year monies. However, by the conclusion of 1992, a 24% increase in outplacement capacity and an emergency funding of 20 additional beds at St. Elizabeths Hospital will virtually deplete CRS' carryover monies. As a result, additional appropriated funding is required in 1993 to provide sufficient services to the number of detained Mariel Cubans that will be in need of outplacement.

At the projected rates of Mariel Cuban outplacement, CRS estimates that at the start of 1993, there will be 434 Mariel Cubans awaiting outplacement. In addition, INS estimates that another 900 Mariel Cubans will be approved for release during 1993. This will result in a total of 1,334 Mariel Cubans eligible for release in 1993. Of this amount, approximately 110 would be directly released by INS. CRS has sufficient base level funding to enable PHS to outplace 222 and to provide CRS outplacement services to 400 Mariel Cubans in 1993 (300 halfway house cases and 100 family sponsorship cases).

This will result in a backlog of 602 Mariel Cubans approved for release, remaining in detention at the end of 1993. Based on historical rates of classification, 70% of the 602 will be designated as CRS cases (421) and 30% will be designated as PHS cases (181). These numbers will increase the existing backlog of detained Mariel Cubans approved for release who remain in detention until space in the appropriate release mechanism is available.

With the reduction in CRS carryover resources, the only alternative to a backlog of detainees in Federal detention, is to release these Mariel Cubans, unsupervised and unmonitored, to the streets. However, almost without exception, PHS has

classified the detained Mariel Cuban population as having anti-social personalities requiring highly structured support services and supervision as a prerequisite for integration into the community to still the revolving door of crime, re-arrest, detention, and release. The Department, BOP, INS, and CBS recommend that no Mariel detainees should be released from federal custody without benefit of structured, minimal support services, and on-going supervision. This Mariel Cuban population poses a serious threat to public safety and has already drawn the negative attention of local officials and community leaders. The safe and fair resettlement of this population demands a highly structured and responsible process such as that provided by CBS that does not fuel community tensions or endanger the public safety.

CBS is, accordingly, requesting program increases of \$8,499,000 for the Reception, Processing and Care of Cubans and Haitians program. CBS' requested program increases for this program will permit the release from detention of all Mariel Cubans as they become eligible for release. The request is made up of the following elements:

- \$4,999,000 to establish 4 new halfway house programs: This aspect of the increase includes \$3,407,000 for three new contracted operated halfway houses and \$1,493,000 for one PHS halfway house.

CBS is requesting \$3,407,000 to establish three new halfway house programs to provide services to 360 of the 421 approved Mariel Cubans who are expected to be pending release from detention in 1993. The provision of services to this population will significantly reduce the historically large number of Mariel Cubans who, although approved for release from detention, remain in federal custody indefinitely until sufficient outplacement services are provided. The federal government's inability to outplace all Mariel Cubans approved for release exacerbates detainee unrest over the limited prospect of parole. It was exactly this unrest that precipitated the riots at Atlanta and Oakdale Federal Detention Centers in November of 1987. Without adequate CBS halfway house space to outplace Mariel Cubans, the Department becomes vulnerable to negative publicity and lawsuits. Furthermore, the Department may be forced to release detainees to the streets without the benefit of CBS' psychological evaluations, any arrangements for structured and supportive services to help integrate releasees into society, and without sufficient regard for public safety.

In addition, CBS is requesting \$1,493,000 for the funding of a 35 bed PHS halfway house which specializes in substance abuse treatment and follow-up care to assure timely processing of detainees in need of substance abuse treatment prior to community release. This will eliminate any significant waiting of PHS substance abuse cases once the structured part of their treatment has been completed. Without this capacity, detainees will be held in prison and at an inpatient hospital beyond the required time needed for active treatment. Both prison or an inpatient hospital per diem rates are higher than halfway house placement. In addition, less than timely releases increase the probability of eventual litigation.

A major ancillary component of this program in 1993 will be active community follow-up for a minimum of 6 months following release. By providing this, it is feasible that the time a detainee spends in the halfway house could be reduced. This would allow the halfway house to increase the number of clients served per year by up to 50%. The follow-

up would include individual and group counseling, vocational assistance, and drug screening as appropriate, but detainees would maintain own housing thus substantially reducing costs.

• \$80,000 to contract for an additional follow-up counselor services at each of three new halfway house programs. Over the past years, CJS has had to absorb inflationary increases, suffer budget reductions and confront escalating program costs; all of which have resulted in a significant reduction in CJS' capacity and ability to provide the degree of services required by the ex-offender Mariel Cuban. In order to outpace large numbers of Mariel Cubans, CJS has had to reduce, or in some instances eliminate, some program services. CJS believes that these programs cannot be cut any further without seriously risking the safety of the public and, furthermore, that certain services must be reinstated.

CJS recognizes that the Mariel Cubans approved for release from detention are not just ex-offenders, but refugees with life histories of criminal activity and more complex needs than traditional ex-offenders. Cuban detainees are products of a social and political system that perpetuates dependency, denial of individual responsibility, and reliance upon the state rather than individual initiative for achieving financial/material sufficiency. During recent years, the complex demands of this population on the halfway house programs have been further exacerbated by the increased number of substance abusers.

CJS believes that the follow-up phase of the halfway house program, as currently designed, is not as effective a program phase as is demanded by the ex-offender Mariel Cuban. In order to strengthen this component, CJS is requesting funds to contract for follow-up counselor services at each of the new programs. With this increased service, the program could more closely monitor and supervise clients during the community follow-up program, convene more frequent and in-depth counseling sessions, develop volunteer resources, and identify entities in the community willing to contribute additional time and resources to the program.

• \$300,000 to contract for professionally-trained substance-abuse counselor services at each halfway house program. Each counselor will be responsible for the implementation of a sophisticated, in-depth substance abuse component at CJS' Mariel Cuban halfway house programs.

In recent years, the prevalence of histories of violent criminality and of alcohol/substance abuse among detained Mariel Cubans has made the already complex process of community outplacement even more difficult. INS and PHS data has shown an ever increasing percent of detainees with alcohol/substance abuse use disorders. CJS proposes the implementation of a sophisticated, in-depth program component which would address these needs.

This component should address both drug abuse and alcohol abuse and should be an integral part of the residential as well as the community follow-up phase of the program. As part of this component, each halfway house program would contract for in-house substance abuse counselor services. This service would enable the programs to provide intensive substance/alcohol abuse counseling, provide early intervention in the case of relapse, train other staff on substance-

abuse awareness, monitor all clients for substance abuse, and establish contacts in the community for additional services or long-term recovery programs.

- \$113,000 for the provision of primary and secondary resettlement services to Cubans and Haitians entering South Florida via boats, rafts, and planes.

Due to the political, social and economic upheaval in Cuba and Haiti, the number of Cubans and Haitians entering South Florida via rafts and boats has increased dramatically. In 1991, based on historical data, CRS projected that it would outpace 1,125 Cubans and Haitians through its primary/secondary resettlement programs. However, in 1991, 2,810 Cubans and Haitians arrived in South Florida and were provided services by the CRS.

There is no sign that the increasing demand for CRS assistance is abating; housing and employment opportunities in South Florida remain extremely limited, and the concentration of entrants in the area intensifies. The recent dramatic increases in the migration of Haitians to the United States has overwhelmed CRS's capacity to provide resettlement assistance. The requirement for such services in 1992 is extremely unpredictable; however, at base funding level CRS will be able to provide primary/secondary resettlement services to only 1,125 Cubans and Haitians. Included in this request is an increase of \$113,000 to provide services to an additional 100 people.

- \$2,026,000 to increase the number of CRS-funded beds at an inpatient mental health, evaluation and treatment facility to a total of 70. Increasing medical costs and absorption of inflationary increases over the past years has significantly reduced CRS' capacity to provide services to Mariel Cubans and Haitians. In order to maintain a constant level of service provision, while absorbing these increases, CRS has funded its base programs with prior year monies.

By 1993 carryover funds will be depleted and CRS will be forced to reduce the bed capacity at the PHS inpatient hospital facility from the 1991 level of 95 to 50 beds. During 1992, CRS estimates there will be 400 Mariel Cubans approved for release to PHS programs. With only 50 beds at an inpatient hospital facility, PHS will be able to provide services to only 100 Mariel Cubans.

Presently there are long waiting lists for all the treatment services offered by the inpatient hospital facility. In particular, there has developed a chronic need for bed capacity to serve those releasable and non-releasable detainees who urgently require inpatient psychiatric evaluation and treatment. This situation is likely to continue to deteriorate for the foreseeable future since alternative sources of care within the SGP and INS health care programs are at present overwhelmed by the needs of their growing populations and contract care on the economy is prohibitively expensive.

It is also quite likely that without an increase in bed capacity at the inpatient hospital facility that the increasing population of potential patients will soon create major management problems for the facilities at which they are

currently housed. The government soon could become extremely vulnerable to large numbers of "conditions of confinement" and "denial of treatment" legal actions.

On the positive side, if these 20 beds are restored, those detainees in need of inpatient treatment who have been approved for release, or who could, through treatment, be rendered parole-eligible, will be outplaced into psychiatric halfway-houses for eventual release into the community in a much more expeditious manner. This accelerated process would directly reduce the overall numbers of Mariel Cubans detained -- thereby markedly reducing the long-term costs of detention for this population.

- \$1,000,000 to provide for 10 substance abuse release treatment beds at an inpatient hospital facility.

Since the advent of an aggressive substance abuse treatment program within the PHS Mariel Cuban Program, there has been a pressing need for an intermediate step for detainees who relapse into substance abuse while still within the programmatic control of the halfway house system. Presently if a serious relapse occurs that can not be remediated at the local level, there is often no choice but to have the detainee's parole revoked and have him returned to detention.

This is a terrible waste of resources since at least one major relapse is often a part of the recovery process and such an enhanced capacity in the system could expeditiously return a large number of those who relapse back to the community rather than returning them to indefinite and costly detention terms. Early intervention with relapsed patients could forestall a return to crime or prevent an avoidable psychiatric decompensation in the dually diagnosed.

Since a relapse program would have a 15 to 21 days length-of-stay, bed-turnover would be quite rapid, thereby markedly reducing the long-term costs to the Department of Justice for maintaining these individuals.

- \$80,000 for the provision of 135 mental health evaluations and for the implementation of an automated mental health evaluations tracking system. This increase would bring the program capacity closer to the more optimal level of function to provide evaluations for special needs cases without delays and to provide current evaluations for all Cuban Review Plan paneling and outplacement recommendations.

The mental health evaluation provides valuable input at several decision points in determining placement, mental health care, detention and release of entrants.

At the 1993 base funding level, PHS can provide only 2,700 mental health evaluations. Additional funding would allow 135 - more evaluations per year addressing the following concerns: 1) initial evaluation of every new Cuban detainee admitted to BOP (assuming consolidation of new Cuban BOP admissions to Torre Haute); 2) reevaluation of detainees at regular 3 year intervals with identification through a computerized tracking system; 3) immediate attention to special needs cases where a reevaluation or change of circumstance may assist in panel or DOJ decisions; and, 4) Neuro-psychiatric testing within qualified facilities in or near the location of detention.

These services will be expended in object class 41.0, Grants, Subsidies, and Contributions.

Community Relations Service

Salaries and expenses

Priority Rankings

| Base Program | | Program Increase | |
|---------------------------------|---------|--------------------------------|---------|
| Program | Ranking | Program | Ranking |
| Program Operations | 1 | Reception, Processing and Care | 1 |
| Reception, Processing and Care | 2 | of Cubans and Haitians | |
| of Cubans and Haitians | 3 | | |
| Technical Assistance | 4 | | |
| Executive Direction and Control | 5 | | |
| Administrative Services | | | |

Legal Activities
Salaries and expenses, Community Relations Service
Detail of Permanent Positions by Category
Fiscal Years 1991 - 1992

| Category | 1991 Authorized | 1992 Authorized | 1992 Total |
|--|--------------------|--------------------|---------------|
| Attorneys (905)..... | 1 | 1 | 1 |
| Regional Directors (340)..... | 10 | 10 | 10 |
| Senior Conciliation Specialists (301)..... | 10 | 10 | 10 |
| Conciliation Specialists (301)..... | 39 | 42 | 42 |
| Technical Assistant Specialist (301)..... | 4 | 5 | 5 |
| Accounting and Budget (500-599)..... | 3 | 3 | 3 |
| General Admin., Clerical and Office Services (300-399)..... | 51 | 51 | 51 |
| Total..... | 118 | 123 | 122 |
| Washington..... | 32 | 36 | 36 |
| U. S. Field..... | 86 | 87 | 86 |
| Total..... | 118 | 123 | 122 |

*Includes 8 positions for field offices positions in the Washington, D.C. area.

Legal Activities
Salaries and expenses, Community Relations Service
Summary of Changes
(Dollars in thousands)

| | | | |
|---|----------------------|-----------------------|--------------------|
| 1992 as Enacted..... | Perm. Fy83 123 | Work- Years 123 | Amount \$27,343 |
| Adjustment to permanent positions and workyears..... | -1 | -1 | |
| Adjustments to base: | | | |
| Mandatory increases: | | | |
| 1992 Pay Annualization..... | ... | ... | 77 |
| 1993 Pay Raise..... | ... | ... | 246 |
| Annualization of five additional positions approved in 1992 | ... | 2 | 73 |
| Special Pay Rates..... | ... | ... | 4 |
| Health Benefits..... | ... | ... | 18 |
| Federal Insurance Compensation Act (FICA)..... | ... | ... | 12 |
| General pay reform | ... | ... | 9 |
| General Services Administration (GSA) Rent..... | ... | ... | 187 |
| Employee data and payroll services..... | ... | ... | 1 |
| Financial Operations and Systems (FOS)..... | ... | ... | 27 |
| General pricing level adjustments..... | ... | ... | 102 |
| Total, mandatory increases..... | ... | 2 | 763 |
| Decreases: | | | |
| One Less Compensable Day..... | ... | ... | -33 |
| Unemployment Compensation..... | ... | ... | -2 |
| Total, decreases..... | ... | ... | -35 |
| 1993 Base..... | 122 | 124 | 28,071 |
| Program changes..... | ... | ... | 8,492 |
| 1993 Estimate..... | 122 | 124 | 36,570 |

Legal Activities
Salaries and expenses, Community Relations Service
Justification of adjustments to base
Thousands of dollars

| | Para. Fos. | VY | Amount |
|--|---------------|----|--------|
| Adjustments in permanent positions and workyears..... | -1 | -1 | ... |
| This decrease of 1 position and 1 workyear reflects the required absorption of unfunded costs from the General Pay Reform Act. | | | |

Mandatory Increases:

1. 1992 Pay Annualization..... \$77
This pay annualization represents only first quarter amounts (October through December) of the 1992 proposed 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$54,000 pay and \$23,000 benefits).
2. 1993 Pay Raise..... 246
This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$246,000, represents the pay amount for three-quarters of the fiscal year plus appropriate benefits (\$189,000 pay and \$57,000 benefits = \$246,000).
3. Annualization of 5 additional positions approved in 1992..... 2 73
This provides for the annualization of 5 additional positions approved by Congress for 1992 for Program Operations and Technical Assistance.

| | Approved 1992 Increases | Annualization Required |
|--|----------------------------|---------------------------|
| Annual salary rate of 5 approved positions | \$128 | \$128 |
| Less lapse (50%) | -64 | -64 |
| Net Compensation | 64 | 64 |
| Associated employee benefits | 9 | 9 |
| Total cost subject to annualization | 73 | 73 |

| Perm. Pos. | NY | Amount |
|--|-----|--------|
| 4. General Pay Reform Act Annualization..... | ... | \$9 |
| The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 Federal employees occupying two-grade intervals occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll reports and provided for new positions, appropriate benefits, vacancy rates and cost-of-living increases and included the 50 percent absorption shown in 1992 for an increase of \$53,000; of this amount we are absorbing \$44,000 for a net increase of \$9,000. | | |
| 5. Special Pay Rates..... | ... | 4 |
| This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. This increase includes only the special rates that went into effect on June 1, 1991. | | |
| 6. Health Benefits..... | ... | 18 |
| The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$18,000 provides funds for actual increased costs from pay period 1 to pay period 2 of 1991 projected for a full year. | | |
| 7. Federal Insurance Compensation Act | ... | 12 |
| Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$84,450 to \$87,450. This increase of \$3,000 is computed based on the increase in the base rate. | | |
| 8. General Services Administration (GSA) Rent..... | ... | 187 |
| GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the | | |

Perma. FY Amount
FOIA

Washington Metropolitan Area, GSA has allowed an overall 10.43 percent increase. The Department's increase in total equates to this increase, although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$187,000 provides for this actual increase over the expected 1992 billing level.

9. Employee Data and Payroll Services..... \$1

Centralized employee data and payroll services are provided to all Departmental organizations except the Federal Bureau of Investigation. A 5-percent increase is needed to stay current with inflationary increases and cost increases due to expanded user support associated with growth of Departmental employment, programs and payroll/personnel systems use. Federal human resource management initiatives and the Federal Employee Pay Comparability Act are causing expanded use of departmental information systems. Expanding systems use is causing increased costs of processing personnel and payroll data. An increase of \$1,000 will be required in 1993.

10. Financial Operations and Systems (FOS)..... 27

This request provides for the additional costs in 1993 for FOS and the Department's Financial Management Information System (FMIS) processing charges. Over the past several years, Departmental growth and many government-wide management initiatives have significantly increased support requirements and associated costs for financial operations and systems. The demand for faster processing and expanding needs for management information continue to create higher costs. The FOS must respond to these urgent needs and, as a result, is facing a structural operating deficit. Therefore, this amount represents the net of an increase in the overall account and a redistribution of the resources.

11. General Pricing Level Adjustments..... 109

This request applies OMB pricing guidance as of December 12, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories

| | Perm. Pos. | NY | Amount |
|--|---------------|-----|--------|
| of expense where inflation has already been built into the 1993 estimates. The total cost of this increase is \$238,000; out of this amount, we are absorbing \$129,000 for a net increase of \$109,000. | | | |
| Total mandatory increases..... | ... | 2 | \$763 |
| Decreases: | | | |
| 1. One Less Compensable Day..... | ... | ... | (33) |
| The annual salary rate for Federal employee is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$25,000 for pay and \$9,000 for benefits. | | | |
| 2. Unemployment Compensation - Redistribution..... | ... | ... | (2) |
| This decrease reflects the most recent complete annual billing provided by the Department of Labor for employee's unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1993 amount will be \$0, or \$2,000 under the 1992 base. | | | |
| Total decreases..... | ... | ... | (35) |
| Total, adjustments to base..... | -1 | 1 | \$728 |

| Salaries and expenses, Community Relations Service Summary of Requirements by Grade and Object Class | | | | | | | | | |
|---|-------------|-----------|---------------|-----------|---------------|-----------|-------------------|---------|--|
| Grades and salary ranges | 1991 Actual | | 1991 Estimate | | 1991 Estimate | | Increase/Decrease | | |
| | Positions | Amount | Positions | Amount | Positions | Amount | Positions | Amount | |
| Executive Level IV, \$112,100 | 1 | 112,100 | 1 | 112,100 | 1 | 112,100 | 1 | 112,100 | |
| GS-1, \$98,000 | 16 | 1,568,000 | 17 | 1,666,000 | 17 | 1,666,000 | 1 | 98,000 | |
| GS/GM-15, \$84,333-\$1,502 | 24 | 2,024,000 | 24 | 2,024,000 | 24 | 2,024,000 | 0 | 0 | |
| GS/GM-14, \$64,607-\$70,987 | 30 | 1,938,000 | 30 | 1,938,000 | 30 | 1,938,000 | 0 | 0 | |
| GS/GM-13, \$46,210-\$60,070 | 8 | 369,600 | 8 | 369,600 | 8 | 369,600 | 0 | 0 | |
| GS-12, \$38,861-\$50,518 | 4 | 155,400 | 4 | 155,400 | 4 | 155,400 | 0 | 0 | |
| GS-11, \$32,423-\$42,152 | 4 | 129,700 | 4 | 129,700 | 4 | 129,700 | 0 | 0 | |
| GS-10, \$29,522-\$38,354 | 3 | 88,650 | 3 | 88,650 | 3 | 88,650 | 0 | 0 | |
| GS-9, \$26,797-\$34,835 | 14 | 375,000 | 14 | 375,000 | 14 | 375,000 | 0 | 0 | |
| GS-8, \$24,262-\$32,539 | 2 | 48,500 | 2 | 48,500 | 2 | 48,500 | 0 | 0 | |
| GS-7, \$21,506-\$28,480 | 2 | 42,980 | 2 | 42,980 | 2 | 42,980 | 0 | 0 | |
| GS-6, \$17,244-\$23,921 | 2 | 35,160 | 2 | 35,160 | 2 | 35,160 | 0 | 0 | |
| GS-5, \$15,808-\$20,583 | 1 | 15,808 | 1 | 15,808 | 1 | 15,808 | 0 | 0 | |
| 1991 pay raises | 118 | 86,375 | 123 | 86,876 | 123 | 86,876 | 5 | 500 | |
| Total appropriated positions | 118 | 86,375 | 123 | 86,876 | 123 | 86,876 | 5 | 500 | |
| Pay above stated annual rates | -7 | -26 | -4 | -211 | -4 | -147 | 3 | 185 | |
| Lapses | 111 | 5,781 | 119 | 6,488 | 120 | 6,748 | 8 | 667 | |
| Savings due to lower pay scales | 3 | 185 | 3 | 160 | 3 | 168 | 0 | 0 | |
| Net full-time permanent | 2 | 104 | 1 | 68 | 1 | 73 | 1 | 65 | |
| Other than permanent | 1 | 14 | 2 | 35 | 2 | 37 | 1 | 23 | |
| Temporary employment | 1 | 160 | 1 | 78 | 1 | 82 | 0 | 0 | |
| Other Part-time and intermittent employment | 1 | 160 | 1 | 78 | 1 | 82 | 0 | 0 | |
| Other personnel compensation | 1 | 14 | 2 | 35 | 2 | 37 | 1 | 23 | |
| Overtime | 1 | 160 | 1 | 78 | 1 | 82 | 0 | 0 | |
| Other compensation | 1 | 160 | 1 | 78 | 1 | 82 | 0 | 0 | |
| Special personal services payments | 1 | 160 | 1 | 78 | 1 | 82 | 0 | 0 | |
| Total, workyears and personnel compensation | 117 | 86,246 | 125 | 86,806 | 126 | 87,106 | 9 | 260 | |
| Average GS Salary | 117 | 86,246 | 125 | 86,806 | 126 | 87,106 | 3 | 300 | |
| Average GS/GM salary | 117 | 86,246 | 125 | 86,806 | 126 | 87,106 | 3 | 300 | |
| Average GS/GM grade | 117 | 86,246 | 125 | 86,806 | 126 | 87,106 | 3 | 300 | |

| Local Activities | | | | | | |
|--|-----------------------|--------|-----------------------|--------|-----------------------|---------|
| Summary of Requirements by Grade and Object Class | | | | | | |
| (Dollars in thousands) | | | | | | |
| Object Class | 1921 Actual | | 1922 Estimate | | Increase/Decrease | |
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount |
| 11.1 Full-time permanent..... | 111 | 95,781 | 119 | 96,465 | 120 | 96,746 |
| 11.3 Other than full-time permanent..... | 5 | 289 | 4 | 228 | 4 | 241 |
| 11.5 Other personnel compensation..... | | 174 | | 113 | | 119 |
| 11.8 Special personnel services payments..... | | | | | | |
| Total..... | 116 | 6,246 | 123 | 6,806 | 124 | 7,106 |
| 12 Personnel benefits..... | | 917 | | 700 | | 1,049 |
| 13 Benefits for former personnel..... | | 3 | | ... | | ... |
| 21 Travel and transportation of persons..... | | 1,020 | | 625 | | 920 |
| 22 Transportation of things..... | | 32 | | 27 | | 34 |
| 23.1 GSA rent..... | | 1,053 | | 836 | | 1,379 |
| 23.2 Rental payments to others..... | | 57 | | 62 | | 27 |
| 23.3 Communications, utilities, and miscellaneous charges..... | | 432 | | 454 | | 776 |
| 24 Printing and reproduction..... | | 31 | | 25 | | 38 |
| 25 Other services..... | | 10,433 | | 14,064 | | 17,107 |
| 26 Supplies and materials..... | | 99 | | 90 | | 105 |
| 31 Equipment..... | | 129 | | 83 | | 98 |
| 41 Grants, subsidies, and contributions..... | | 5,818 | | 9,828 | | 7,911 |
| Total obligations..... | 116 | 26,470 | 123 | 33,985 | 124 | 36,570 |
| Financing adjustments: | | | | | | |
| Unobligated balance, start-of-year..... | | -6,096 | | -6,742 | | -500 |
| Obligated balance, end-of-year..... | | 6,742 | | 500 | | 500 |
| Unobligated balance, lapsing..... | | 56 | | | | |
| Total requirements..... | | 27,172 | | 27,343 | | 36,570 |
| Relation of obligations to outlays: | | | | | | |
| Obligated balance, start-of-year..... | | 6,814 | | 4,416 | | 13,285 |
| Obligated balance, end-of-year..... | | -4,416 | | -7,043 | | -14,677 |
| Adjustment in expired accounts..... | | -13 | | | | ... |
| Outlays..... | | 28,855 | | 24,716 | | 35,178 |

INTRODUCTION

Ms. PELOSI. The Committee welcomes back the director of the Community Relations Service, Grace Flores Hughes. Ms. Flores Hughes, we will place your written testimony in the record and ask that you proceed with your statement.

Ms. HUGHES. Thank you. Nice to see you again.

Ms. PELOSI. We have had requests from our reporter to not speak as quickly.

Ms. HUGHES. I won't, and I will be very, very brief. Thank you very much, and I would like to introduce Art Collins on my right, who is the Associate Director of my budget and evaluation staff who has joined me this afternoon.

Ms. PELOSI. Welcome.

GENERAL STATEMENT

Ms. HUGHES. I do wish to submit my statement for the record and, with your permission, I would just briefly like to summarize CRS' 1993 budget request, which is for \$36,570,000, 122 permanent positions, and 124 workyears.

The 1993 CRS budget request includes a program increase of \$8.5 million entirely in the Cuban-Haitian Entrant Program. The areas in which we are requesting increases are the placement, medical and mental health services, and primary and secondary resettlement of Mariel Cubans, for a total of \$5.3 million, \$3.1 million, and \$113,000 respectively.

This concludes the summary of my request, and I will be pleased to answer any questions.

[The prepared statement of Ms. Hughes follows:]

DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE

STATEMENT OF THE DIRECTOR
GRACE FLORES HUGHES

BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON THE DEPARTMENTS OF
COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to testify in support of the Community Relations Service's (CRS') budget request for fiscal year 1993.

CRS is responsible for two major programs. One program, conflict resolution, addresses CRS' initial legislative mandate. In establishing CRS under Title X of the Civil Rights Act of 1964, Congress mandated that CRS "...provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color or national origin which impair the rights of persons... under the constitution or laws of the United States..."

Under this mandate, CRS assists communities in achieving the peaceful and voluntary resolution of racial and ethnic conflicts. CRS offers service to communities in conflict on its own initiative, at the request of local officials or representatives of community based organizations, or by court referral. Conciliation

services are rendered through the techniques of mediation, technical assistance, and training. CRS also undertakes outreach to assist local communities and state agencies, in establishing and improving their own mechanisms for anticipating, preventing, and resolving racial tension or disputes.

The second activity, the Reception, Processing, and Care of Cubans and Haitians, provides placement and resettlement assistance to Cuban and Haitian immigrants.

For fiscal year 1993, CRS is requesting a total of 122 positions, 124 workyears and \$36,570,000. This request includes a program increase of \$8,499,000, for the Reception, Processing and Care of Cubans and Haitians budget activity. No program increase is requested for the Conflict Resolution activity.

I. Conflict Resolution

Through its Conflict Resolution activity, CRS provides direct services to resolve racial and ethnic conflict. In 1991, CRS completed 885 cases, the highest number in the past three years. CRS' casework addressed all types of racial and ethnic conflict. However, it also reflected noteworthy trends involving racial conflict over perceptions of the excessive use of force, hate violence, and police response to youth gangs and drugs.

Use of Force

According to CRS' casework, conflicts resulting from allegations of use of excessive force by local law enforcement agencies have increased over the last three years. CRS' workload increased from 56 cases involving the use of force in 1989, to 80 in 1990, and 147 in 1991. To address community conflicts over the perceived excessive use of force, CRS meets with all parties, assesses the level of conflict, and provides conflict resolution services to assist the parties in identifying and implementing actions to resolve the conflict and prevent future conflicts.

One of the most notable, recent incidents of racial conflict involving allegations of excessive use of force by law enforcement occurred on March 3, 1991, in Los Angeles, when officers of the Los Angeles area police department were videotaped as they participated in the beating of a Black male. CRS staff conducted a series of interviews and attended meetings with a broad spectrum of community leaders and local, state and federal officials. A two day summit was convened in Los Angeles during June 1991, involving representatives of the Los Angeles County Police Chiefs Association, the National Association for the Advancement of Colored People (NAACP), the Hispanic Advisory Council to the Los Angeles Police Commission and the Asian Pacific Planning Council to develop agreements between the parties involved on ways to proceed together to improve police/community relations in Los Angeles County.

Hate Incidents

CRS has long worked with local communities to address conflicts arising out of hate group activity. CRS has assisted 16 states to develop regional coalitions against hate activity and will assist community leaders elsewhere in responding to racial conflict arising out of racially motivated violent acts. Notwithstanding these efforts, CRS' statistics reflect an increase in the number of incidents of hate violence and harassment with the potential for community-wide conflict. The number of CRS cases involving hate violence and hate group activity increased from 176 in 1989, to 192 in 1990, and 287 in 1991.

To identify and address hate-related incidents, CRS has established a toll-free hotline. Since its inception in April 1990, more than 4,300 calls have been recorded through the hotline.

In 1991, CRS worked with the Uniform Crime Reporting Unit of the Federal Bureau of Investigation (FBI) as it developed a training guide for law enforcement agencies that began to report on hate crimes through the Uniform Crime Report System. During the year, CRS, in cooperation with the Uniform Crime Reporting Unit implemented 12 regional training conferences on hate crime data collection targeting the police departments of the 315 largest cities in the country. Further, CRS entered into a partnership with the Federal Law Enforcement Training Center to develop and

present training curricula for federal and local law enforcement officials on how to recognize and respond to hate crimes.

In addition, in 1991, CRS awarded a \$400,000 cooperative agreement to a non-profit, private sector entity for the development of data collection techniques to assist communities in identifying and responding to hate incidents. This effort will yield resource material and data that can assist human relations, neighborhood, church, civic, and other groups respond to the impact of hate incidents.

Youth Gang and Drug Crime

Youth gang and drug crime activity is a focal point of a number of federal efforts. Police response to youth gang and drug crime activity increases the opportunity for allegations of the excessive use of force, insensitivity, and inappropriate police conduct that can heighten racial and ethnic tension within communities. Workload increased from 9 cases in 1989, to 20 in 1990, and to 36 in 1991. CRS' ongoing activity in this area and its active involvement at the community level represent valuable resources in addressing gang and drug related violence at the local level.

In addition, CRS joined with the Department of Housing and Urban Development's (HUD) Office of Drug Free Neighborhoods to

initiate "Operation Jumpstart" in Public Housing Authorities (PHA's) where drug crimes and gang activities have resulted in public crises. CRS also is training local crises response teams to respond to conflicts in PHA's, and working with HUD to initiate programs in PHA's that will enable local officials and residents to regain control of their neighborhoods and homes.

II. Reception, Processing, and Care of Cubans and Haitians

Through its Reception, Processing, and Care of Cubans and Haitians activity, CRS furnishes a variety of services to Cubans and Haitians who have been arriving in the United States since 1980. CRS provides outplacement services, resettlement assistance, and medical and mental health care to Mariel Cuban ex-offenders paroled from the Immigration and Naturalization Service (INS) and the Bureau of Prisons (BOP) institutions or from an inpatient mental hospital. CRS also provides inpatient mental health care to seriously mentally-ill and mentally retarded Mariel Cubans in INS custody. With respect to Cubans and Haitian nationals in federal custody at INS' Krome Special Processing Center, in Miami, Florida, CRS provides medical and mental health care. Finally CRS provides resettlement assistance to Cuban and Haitian nationals paroled for humanitarian reasons from Krome Special Processing Center. By providing for the orderly placement and resettlement of Cuban and Haitian Entrants, CRS seeks to preclude community conflicts, to

ensure public safety, and to minimize the impact on public resources.

Outplacement of Mariel Cubans from Detention

CRS is requesting a program increase of \$8,499,000 for the Reception, Processing, and Care of Cubans and Haitians. The bulk of this increase, \$8,386,000, is requested to safeguard the public more effectively through increased capacity for, and enhanced supervision in, the outplacement of Mariel Cuban ex-offenders, as they become eligible for release from detention. The program increase also includes funding for increased institutional care of mentally ill and mentally retarded Mariel Cubans in INS custody. By providing for the outplacement of more Mariel Cuban ex-offenders as they are approved for release and for the appropriate mental health care of Mariel inmates, the number of Mariel Cubans whose release from detention has been delayed due to insufficient outplacement and treatment capacity will be reduced and the cost of federal detention will be minimized.

The detained Mariel Cuban population is characterized by severely anti-social behavior. Breaking this population's cycle of release from detention, commission of crime, re-arrest, re-detention, and re-release, and integrating released detainees into the community requires the highly structured support services and intensive supervision provided by CRS' halfway house and family

sponsorship outplacement programs and medical and mental health care services.

Demand for CRS' Mariel Cuban halfway house and family sponsorship outplacement programs has continued to grow. Presently, there are approximately 40,000 Mariel Cubans who have not adjusted their status. If they commit a crime, they are placed in federal detention and they could be eligible to receive services under CRS' program. Each month, 80 to 100 additional Mariel Cubans will enter federal custody. Currently, there are approximately 2,600 Mariel Cubans in federal custody, and another 3,000 in state and local detention facilities awaiting return to federal custody.

Only the 2,746 Mariel Cubans listed in a December 1984 immigration agreement with Cuba will be eligible for deportation, unless a new agreement is reached between the United States and Cuba. Since 1985, the Department has repatriated 840 Mariel Cubans on this list. Of these, 350 were repatriated in 1991.

In 1991, CRS outplaced 442 detained Mariel Cubans through its halfway house program, 68 through its family sponsorship program, and 35 through its aftercare program. In 1992, CRS will be able to outplace 520 detained Mariel Cubans through its halfway house program, 100 through its family sponsorship program, and 35 through its aftercare program.

CRS estimates that in 1993, it will be called upon to outplace 821 Mariel Cubans from detention through its halfway house and family sponsorship programs. Base level 1993 resources would allow CRS to outplace only 400 from detention, resulting in a backlog of 421 Mariel Cuban detainees at year end. Of the requested program increase amounting to \$8,366,000 for services pertaining to Mariel Cubans, \$5,280,000 is intended for the expansion and enhancement of CRS' and PHS' Halfway House Outplacement Program. Through this increase, CRS will be able to outplace 360 of the projected backlog of 421 in 1993.

Medical and Mental Health Care

The remainder of the program increase aimed at Mariel Cuban ex-offenders--a sum amounting to \$3,106,000--will enable CRS to address the continued and rapidly growing need for medical, psychiatric, and substance abuse treatment among those Mariel Cubans who are currently detained. Base level funding for 1993 would provide for funding of 50 beds at an inpatient mental health facility. Among other things, the program increase would provide additional capacity of 20 beds for medical and mental health services and 10 beds for treatment of substance abuse relapse cases. Without this additional bed space, detention facilities will be overwhelmed by the backlog of Mariel detainees requiring mental health and substance abuse treatment. Further, if CRS is unable to provide appropriate care, the government may risk

exposure to increased "conditions of confinement" and "denial of treatment" suits.

Application of the requested funds to these CRS programs will result in an overall reduction in expense to the Federal Government as the additional funds will permit an even greater reduction in detention costs. Further, the timely outplacement of Mariel Cubans from detention will decrease the potential for elevated tension within the detained population. At base level funding, the only alternative to this backlog in federal detention would be to release detainees having violent criminal histories unsupervised and unmonitored into the general population.

Primary and Secondary Resettlement of Cubans and Haitians

In addition, to \$8,386,000 requested for services to Mariel Cubans, the request also provides \$113,000 of additional funding to facilitate resettlement of the continuing influx of Cubans and Haitians into the United States in order to reduce the social and economic impact of migration. This increase will enable CRS to provide resettlement services to 100 more people than it could with base level funding.

In 1991, CRS experienced an increasing demand for its primary and secondary resettlement services. CRS provided primary resettlement services to 2,675 Cubans and Haitians arriving in the

United States, and secondary resettlement services to 135 Cubans and Haitians whose initial resettlement to the United States proved unsuccessful. This demand was largely the result of Cuban and Haitian migration to the United States, specifically to South Florida, caused by the political, social, and economic instability in these countries.

CRS expects these trends to affect its programs into 1992 and 1993. Therefore, CRS projects that in 1992, it will face demand for primary resettlement of 5,500 Cubans and Haitians, and for secondary resettlement services for 1,000 Cubans and Haitians.

It should be noted that following the 1991 overthrow of the president of Haiti, the number of Haitians emigrating to the United States by sea increased dramatically. In November 1991, the U.S. Coast Guard began interdicting such Haitians and transporting them to the U.S. Naval base at Guantanamo Bay, Cuba. At Guantanamo, Haitians have been interviewed to determine their possible eligibility for political refugee status and, therefore, entry into the United States.

Of the approximately 10,000 Haitians that have been held at Guantanamo Bay, 4,500 have been approved for transfer to the United States to apply for political refugee status. As of February 22, 1992, CRS has resettled of 1,589 these individuals.

CRS' appropriated funding for 1992 did not contemplate the need to respond to this massive influx of Haitians. In order to fund these unexpected costs, the Department of Justice has proposed a reprogramming of INS funds. If accepted by Congress, this reprogramming would provide for the reimbursement of the unexpected costs incurred by CRS in providing resettlement services to the influx of Haitians.

This concludes my statement, Mr. Chairman. I welcome the opportunity to respond to questions.

HAITIAN MIGRATION CRISIS

Ms. PELOSI. Thank you very much. I have some questions I would like to ask about Haitian refugees. Would you provide us with an explanation of CRS' involvement in the influx of Haitian refugees that began last November up to the present situation?

Ms. HUGHES. Since the influx of Haitians that dates back from October of 1991 to today, we have resettled approximately 2,700 Haitians in this country, the majority of them in the Florida area.

We are responsible for resettling Haitians, either with families or sponsors, while their asylum claims are being adjudicated by INS. But as I said, since October, we have been responsible for resettling approximately 2,700 Haitians.

Ms. PELOSI. What types of expenses will CRS incur in settling Haitian refugees?

Ms. HUGHES. So far, of the 2,700 entrants resettled, we have spent approximately \$3.8 million, and that number, of course, may go higher, depending on how many more Haitians we have to resettle.

Ms. PELOSI. What does that entail? Could you expand for the record?

Ms. HUGHES. The \$3 million? It includes the 2,700 Haitians that I mentioned, and they usually cost approximately \$1,300 per person to resettle. In addition, we also have unaccompanied minors, whose cost is approximately \$1,700 per person.

They are sheltered in an unaccompanied minor shelter, so they are sheltered in a different location. And we also have travel costs. We have had to hire Creole speakers, for example, to interview the Haitians, and that, of course, adds to the cost. That is just an example.

[The information follows:]

**ESTIMATE OF COSTS ASSOCIATED
HAITIAN RESETTLEMENT OPERATIONS
OCTOBER 4, 1991 - MARCH 10, 1992**

| <u>ACTIVITY:</u> | <u>UNITS</u> | <u>COST PER UNIT</u> | <u>TOTAL COST</u> |
|--|--------------|--------------------------|--------------------|
| GRANT COSTS¹ | | | |
| General Resettlements from Guantanamo (GTMO) ² | 2,673 | \$1,300 | \$3,474,900 |
| Unaccompanied minors resettled from GTMO ³ | 40 | 1,700 | 68,000 |
| PERSONNEL COSTS⁴ | | | |
| Salary and Benefits | | | 175,300 |
| Overtime | | | 46,100 |
| OTHER COSTS | | | |
| Travel | | | 20,000 |
| Subsistence | | | 67,700 |
| GTMO overhead costs: ⁵ | 2.5 months | 9,000 | <u>22,500</u> |
| TOTAL COSTS: | | | \$3,874,900 |

¹ CRS resettlement services are provided through grants and cooperative agreements with voluntary agencies.

² Excludes unaccompanied minors. Resettlement of large numbers of Haitians will result in increased resettlement costs for CRS award recipients. A combination of the high concentration of parolees, high illiteracy rate, and restriction to 90-day employment authorizations will necessitate increased support subsidies and extensive employment development services.

³ Excludes unaccompanied minors resettled through direct placement.

⁴ CRS has established a crisis management team of advisors, management analysts, case workers, Creole interviewers, and computer specialists in Guantanamo.

⁵ CRS shares office space, equipment, supplies, and services with the military, Immigration and Naturalization Service, and Public Health Service in Guantanamo, and has been advised that it will be billed a proportionate share of attendant costs.

HAITIAN RESETTLEMENT

Ms. PELOSI. What will happen if these resettlement services are not provided?

Ms. HUGHES. Well, that is a good question. They would probably be detained at a much higher rate by the INS until it is time for them to be resettled with their families. We can resettle them very quickly when we have information on their families. We can do that much more quickly and at lesser expense than otherwise would be if they stayed in INS detention.

Ms. PELOSI. What do you anticipate the total anticipated cost to resettle these Haitians would be?

Ms. HUGHES. Well, as I said, we have spent about \$3.8 million and we may have approximately 3,300 entrants left. I am just going to give you a very rough figure right now, because everything is not completely determined in terms of the total that will be resettled from here on. It could wind up to be in the range of about \$7 million for the whole effort.

Ms. PELOSI. How much of the resettlement costs are you funding from your fiscal year 1992 appropriation, and how much from the proposed INS reprogramming?

Ms. HUGHES. I would have to give you the exact figures on that later on, if you don't mind. I can give you some rough ones, but I don't want to do that.

[The information follows:]

RESETTLEMENT COSTS FOR HAITIANS AT GUANTANAMO

The Community Relations Service (CRS) projects that it will apply approximately \$610,000 of its appropriated 1992 funding to resettlement of Haitians. CRS will be reimbursed up to \$5,000,000 in FY 1992 out of INS reprogrammed funds.

Ms. PELOSI. Ms. Flores Hughes, I ask your indulgence. I have been called away to the Ethics Committee which is another committee I serve on, which is a command performance committee. I would rather be here. But Mr. Mollohan is going to chair the meeting now.

So please excuse me. I am sorry to leave in the middle of your testimony.

Ms. HUGHES. Thank you.

Mr. MOLLOHAN [presiding]. Just to finish up that line of questioning she was asking, will all the Haitians be resettled in fiscal 1992?

Ms. HUGHES. Well, from the screened-ins that we have right now, which are approximately 3,300, that may be the final number. I don't want to say that it will be, but if it is, then it may very well be the case, because we could resettle them probably by the end of May.

Mr. MOLLOHAN. Are they still being intercepted and transported?

Ms. HUGHES. We have very few that are being met by the Coast Guard at this point. I understand that maybe two days ago there was a boat and it only had 27 people onboard as opposed to the large numbers before.

RECEPTION OF CUBANS

Mr. MOLLOHAN. You have responsibility for the reception, processing and care of the Haitians and the Cubans, at least the Mariel Cubans, that fall under your jurisdiction; do you not?

Ms. HUGHES. Yes.

Mr. MOLLOHAN. What is the status of that? How are you providing that care?

Ms. HUGHES. For the resettlement of the Haitians and Cubans?

Mr. MOLLOHAN. Yes. And for the custodial care of those who are incompetent to take care of themselves.

Ms. HUGHES. Well, we have a number of services. As I said, we have out-placement services; we have medical and mental health services available for them and; the primary and secondary resettlement program.

When either a Cuban or a Haitian comes through the Krome Center, for example, in Florida, we provide the kind of resettlement services that we provide for the Haitian population. That is, find a family or a sponsor that will take them and resettle the individuals with them.

In the meantime, we also provide services so that they can look for jobs, further their education, and so forth. If they are coming to us from the INS or BOP side of the Justice Department, for example, and they have committed crimes, any number of crimes, we then will out-place them through our own halfway houses or the Public Health Service halfway houses.

We provide a tremendous amount of medical and mental services for them, because so much of our population has either a substance abuse or a mental health problem.

NATURE OF THE POPULATION SERVED

Mr. MOLLOHAN. What is the total population you are dealing with? Let's take the Mariel Cubans, for instance. You described the placement service and processing. I would call that mainstreaming people, getting them into the normal living and working situations. Then you described some folks that you were specially processing.

Beginning with the first group and adding in the second group, what is the population you are talking about?

Ms. HUGHES. Well, we have approximately 5,600 Mariel Cubans that are in either Federal or State and local facilities.

Mr. MOLLOHAN. 5,600?

Mr. COLLINS. 5,600 in either State, Federal or local detention.

Mr. MOLLOHAN. Could you break that down for me?

Mr. COLLINS. It is approximately 2,600 in Federal detention—

Mr. MOLLOHAN. When you say detention, are you talking about a penal Federal detention?

Mr. COLLINS. Yes.

Ms. HUGHES. BOP or INS.

Mr. MOLLOHAN. Is that still an incarcerated condition, a criminal status?

Mr. COLLINS. Yes.

Mr. MOLLOHAN. 2,600 in a criminal status.

Mr. COLLINS. The remaining 3,000 are in State and Federal—I am sorry, State and local.

Mr. MOLLOHAN. State and local what?

Mr. COLLINS. State and local detention facilities.

Mr. MOLLOHAN. Criminal detention?

Mr. COLLINS. Yes, sir.

Mr. MOLLOHAN. All of them?

Mr. COLLINS. Yes, sir.

Mr. MOLLOHAN. All of them? The mental incompetents?

Mr. COLLINS. They are among the population that has been returned to detention.

Ms. HUGHES. They committed crimes somewhere along the road and went back.

Mr. MOLLOHAN. Okay. Then there is another group.

Mr. COLLINS. Yes, sir.

Mr. MOLLOHAN. And they would fall within the mental incompetents?

Mr. COLLINS. Those would be the individuals requiring medical or mental health treatment.

Mr. MOLLOHAN. How do you characterize them as a group? What is your word for that?

Mr. COLLINS. I would say that they are characterized by severe anti-social behavior, as well as compounded by a number of medical problems.

Ms. HUGHES. Substance abuse, drug and alcohol abuse.

Mr. MOLLOHAN. Or mental infirmities?

Mr. COLLINS. Mental infirmity and sometimes a dual diagnosis.

ST. ELIZABETHS HOSPITAL CONFINEMENT

Mr. MOLLOHAN. And how many of those, just talking about a Cuban population, how many of those are there?

Ms. HUGHES. In St. Elizabeths, for example.

Mr. COLLINS. In St. Elizabeths, we have approximately 95 beds. Those beds turn over twice a year on average, so we are dealing with a population of close to 200 individuals that are served through that facility.

Mr. MOLLOHAN. 200 on an annual basis at any one time, no more than 95?

Ms. HUGHES. Right.

Mr. MOLLOHAN. Is that a mixed population, speaking of the nationalities, Cubans and Haitians?

Ms. HUGHES. Cuban.

Mr. MOLLOHAN. That is only a Cuban population that you just described?

Ms. HUGHES. Yes.

Mr. MOLLOHAN. So the Haitian people who are under your jurisdiction break out in similar categories, those who have a criminal record and, therefore, are being handled in our criminal penal system, and those who have mental incompetencies and are being handled in a custodial care facility?

Ms. HUGHES. No. They are totally primary and secondary resettlement types that we resettle from Krome.

Mr. MOLLOHAN. No mental infirmities in the way we used that word?

Ms. HUGHES. No, no.

Mr. COLLINS. If I might say, I believe it was the nature of the Mariel—

Ms. HUGHES. Agreement.

COMPARATIVE COST OF INSTITUTIONAL CARE

Mr. MOLLOHAN. In each one of these categories, what is the cost per inmate or per patient beginning with the 2,600 who are being dealt with in the Federal penal system?

Ms. HUGHES. Well, for INS and BOP they both have different rates.

Mr. COLLINS. Historically the rates have, if I might add, averaged in the order of \$20,000 per year.

Mr. MOLLOHAN. Per year?

Mr. COLLINS. Per year, per detainee in the Federal Prison System.

Ms. HUGHES. Although they vary a little bit between INS and BOP, but we can't give you that exact figure right now; we can submit it to you later, but around that ballpark figure.

[The information follows:]

COMPARATIVE COSTS OF MARIEL CUBAN DETENTION FACILITIES

The cost of sending a Mariel Cuban to a CRS halfway house program is \$9,000, which represents the one-time cost of a 4-month residential program and an 8-month community follow-up program. This compares with \$18,240, which is what INS spends annually to contract with a State or local jail to house a Mariel, and \$15,800, which is what the Bureau of Prisons spends annually to detain a Mariel.

DETENTION COST ESTIMATES

Mr. MOLLOHAN. Would it be significantly more or less in a BOP or INS facility?

Mr. COLLINS. If I might say, our placement programs run approximately \$9,000 to \$10,000 per individual of placement, and that is a one-time cost. So that if they move through the system once, and they are integrated into the community, there should be no additional cost to the government.

Ms. HUGHES. But the difference between BOP and INS—

Mr. MOLLOHAN. I am just asking about the cost of providing for a person in this criminal background category, the difference in the price between having them taken care of in INS and BOP?

Ms. HUGHES. We don't have that. We would have to provide that for you.

Mr. MOLLOHAN. You don't have it off the top of your head? Do you know if there is a significant difference in the way those two groups compare?

Ms. HUGHES. We just don't know.

Mr. MOLLOHAN. What about the difference in those being provided for in a Federal facility, either BOP or INS and State and local—

Ms. HUGHES. The differences in the costs of those three?

Mr. MOLLOHAN. Those two, really. I suppose you are hiring State and local people to incarcerate them?

Ms. HUGHES. We don't, we don't do that. That is INS. I think, they may have some kind of a contract with a local jail or whatever.

Mr. MOLLOHAN. Could you get those numbers for the Committee?

Ms. HUGHES. Sure.

[The information follows:]

PROCESSING OF MARIEL CUBANS

To clarify for the Committee on how these various costs are incurred, if a Mariel Cuban entrant commits a crime and is sentenced, he serves his sentence at a local prison facility. The INS becomes aware of the Mariel Cubans in local prisons in one of two ways: (1) INS investigations staff routinely check for foreign-born prisoners in local prisons systems; (2) the local prison facility informs INS of the individual's presence in the prison. INS makes a determination whether to bring the individual into INS custody based on the individual's level of criminal activity. Once INS decides to bring the individual into INS custody, the individual is placed into a BOP or INS-contract facility based on space availability and the level of custody required for the detainee. All detention costs incurred at BOP or INS-contract facilities are the responsibility of BOP and INS, not CRS.

Mr. MOLLOHAN. The Cuban population being cared for at St. Elizabeths, how much—

Mr. COLLINS. The per diem rate is about \$235 a day.

Mr. MOLLOHAN. That is the actual per diem per person rate?

Mr. COLLINS. Yes, sir, per person.

Mr. MOLLOHAN. I guess I can do that math. That is okay. How does that price, is that competitive nationwide with similar available custodial care solutions?

Ms. HUGHES. The Public Health Service conducted a study on the cost, and this was substantially lower than the average cost that they found in their survey, and I believe I have a copy of the study here, in fact. It was approximately maybe \$250 a day versus \$175.

[CLERK'S NOTE.—Subsequent to the hearings, the following clarification was submitted for the record:]

The amounts compared in the Public Health Service (PHS) study are 1990 costs. In 1990, PHS's per diem rate at St. Elizabeths Hospital (SEH) was \$175. Thus far in 1992, the average per diem rate is \$235. The difference in PHS per diem rates can be attributed to rising medical costs and inflation.

COMPARATIVE MEDICAL COSTS STUDY

Mr. MOLLOHAN. I would be interested in seeing that report.

Ms. HUGHES. Yes, okay.

[The information follows:]

JCT-26-80 WED 15:33

P. 02

99c



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Rockville MD 20857

To: Thomas Bornemann, Director, Refugee Mental Health Program
 From: Carol Coley, Gov't Project Officer, RMHP, NIMH
 Subject: Medical Cost Comparison Figures

BACKGROUND

The Refugee Mental Health Program (RMHP), formerly known as the Cuban/Haitian Mental Health Unit, is mandated under Executive Order 12341 to provide mental health treatment and evaluation services for Cuban entrants from the Mariel boat lift of 1980.

RMHP, as part of its mandate operates one inpatient treatment unit and two community based residential treatment facilities. These programs have been designed to be comprehensive and self contained. They have been set up this way both to relieve individual states of the burden of dealing with a national problem, and to provide treatment and associated services in a form which appropriately meets the cultural and linguistic needs of the Cuban entrants.

PURPOSE

The purpose of this report is to present data which compare the per diem costs of operating current RMHP projects with similar programs. It is imperative to point out that, to date, there are no comparable figures. Due to the uniqueness of the population and services which are culturally sensitive, there does not appear to be another truly comparable program. In addition, the per diems are not indicative of the same product. The per diem for RMHP is all inclusive in that it includes all costs, direct and indirect. The per diem for inpatient(nationwide) includes an outpatient component which is much less expensive and deflates any actual inpatient per diem.

METHODS

The data for the inpatient facilities and the residential facilities, other than Saint Elizabeths Hospital and the Refugee Mental Health's projects, were taken from a nationwide survey conducted by the National Institute of Mental Health. This survey is called the "Inventory of Mental Health Facilities". It provides data for 1988. These data, are tentative and will need some further refinement but they are considered reliable.

The per diem rates given for the inpatient and residential facilities reported in the "Inventory of Mental Health Facilities" were calculated by taking the figures given for 1988 and dividing the daily operating costs by the average daily census. This gave the per diem for 1988. This 1988 per diem was then adjusted to reflect 1989 and 1990 by using the 1988-1989 Consumer Price Index of .085 on the respective 1988 and 1989 per diem figures.

JCT-25-80 WED 15:34

P.03

The data (adjusted to 1990) for Residential Treatment are for programs known as "Residential Treatment Centers for Emotionally Disturbed Children". According to Ronald Manderscheid, Ph.D., the Director of the Division of Biometry and Epidemiology at the National Institute of Mental Health, these programs are as comparable as could be found with the community based residential programs of RMHP. Both groups of residential treatment programs are comprehensive in the range of services they provide. Dr. Manderscheid's office conducts the Inventory of Mental Health Facilities.

The data for the nursing home costs are taken from the nationwide survey, "The National Nursing Home Survey". This was conducted under the auspices of the National Center for Health Statistics of the U.S. Public Health Service. The data are from 1985 and have been adjusted for 1990 costs using the Consumer Price Index. All cost figures given here are considered minimal costs and do not reflect usual add-ons such as physicians' fees which can increase costs dramatically.

The per diem costs for the John Howard Pavilion (D.C. forensic) at Saint Elizabeths Hospital were given by the National Institute of Mental Health. The per diem costs given for the RMHP inpatient unit at Saint Elizabeths Hospital are based on actual operating costs for FY 90, in relation to funded patient capacity. The per diem cost for the RMHP community based residential treatment facilities was derived by dividing the respective annual level of funding for each facility by 365 days to get a daily average cost and then dividing this by the treatment capacity.

The cost figures for the programs which participated in the two national surveys, while comparable to a significant degree, do not reflect certain very important factors associated with the operating costs of the RMHP.

SERVICE CATEGORIES

PER DIEM COSTS (1990)

I. Psychiatric Inpatient Treatment \$175.00

RMHP Project
Saint Elizabeth's Hospital, Washington, D.C.
INS/PHS Evaluation Facility
(includes all costs, direct and indirect.)

The following costs for similar psychiatric inpatient treatment do not include physicians' fees, selected procedures, medications, and other special services, security arrangements, translators etc. The operating costs given for these inpatient treatment facilities include outpatient services. They are considerably cheaper than inpatient costs, therefore the total per diem costs would have been much higher were all of those served to have been in the inpatient category.

JCT-25-80 WED 15:35

P.04

| | |
|--|-----------------------|
| State and County Mental Hospitals | Per Diem Costs |
| U.S. Average | \$228.00 |
| California | 232.00 |
| Florida | 174.00 |
| Illinois | 165.00 |
| New York | 244.00 |
| D.C.(forensic) | 280.00 |

| | |
|--------------------------------------|----------|
| Private Psychiatric Hospitals | |
| U.S. Average | \$529.00 |
| California | 572.00 |
| Florida | 491.00 |
| Illinois | 442.00 |
| New York | 438.00 |

| | |
|---|----------|
| General Hospital Psychiatric Units | |
| U.S.Average | \$325.00 |
| California | 367.00 |
| Florida | 206.00 |
| Illinois | 307.00 |
| New York | 407.00 |

II. Community Based Residential Treatment

| | |
|--------------------------------|-------|
| RMHP Funded Facilities | |
| Linwood House, Kansas City, MO | 70.00 |
| Western Care, Chino, CA | 70.00 |

The following costs for similar residential treatment do not include physician fees, selected procedures, other special services such as bilingual staff, culturally sensitive services and routine activities such as haircuts, phone calls, special activities, etc.

| | |
|-------------|----------|
| U.S.Average | \$183.00 |
| California | 199.00 |
| Florida | 129.00 |
| Illinois | 157.00 |
| New York | 213.00 |

JCT-25-80 WED 15:38

P. 05

III. Nursing Home per diem costs compared with RMEP Inpatient and Residential Facilities

| | <u>Level of Care</u> | | |
|----------------------|----------------------|---------------------|--------------------|
| | <u>Skilled</u> | <u>Intermediate</u> | <u>Residential</u> |
| Proprietary | \$85.00 | \$67.00 | \$41.00 |
| Voluntary Non-profit | 95.00 | 73.00 | 51.00 |
| Government | 98.00 | 69.00 | 60.00 |
| Northeast | \$115.00 | 91.00 | 42.00 |
| Mideast | 81.00 | 66.00 | 51.00 |
| South | 76.00 | 63.00 | 42.00 |
| West | 84.00 | 68.00 | 41.00 |

When we consider the average total commercial long term care (excluding RMEP facilities) one must also take into account the additional charges usually incurred during a nursing home stay. The following examples are offered:

- All necessary appliances such as wheelchairs, walkers, extra
- General exercise classes necessary for adequate special activities, \$8 per session
- Barber, \$6.50 per session
- Catheters and associated equipment
- Insulin needles, \$28/100
- Insulin, \$11/vial
- Escort for activities outside facility, \$30
- Dietitian visit, \$18
- Annual physical exam
- Personal laundry, \$40/month
- Incontinent care, extra
- Hand- or tube feedings or special diet, extra

JCT-25-80 MED 15:38

P.08

- Special observation needs, extra
- Telephone, postage stamps, extra
- Prescription and non-prescription drugs, extra
- Physician, extra
- 24 hour nurse, extra

The following is a specific cost comparison of some common lab and drugs that may be utilized in a nursing home care setting. The comparison is made between the St. Elizabeths Project (SEH) and the medical facility sub-contract to that Project (GSE).

| Common lab | <u>GSE</u> | <u>SEH</u> |
|------------------|------------|------------|
| Chem 18 | \$146 | \$40 |
| SMA 6 | \$ 90 | \$15 |
| CBA/diff | \$ 56 | \$ 6 |
| Urinalysis | \$ 14 | \$ 4 |
| Common Drug | | |
| Myambutol/dose | \$8.00 | \$1.50 |
| INH/dose | \$2.80 | \$.01 |
| Milk of Mag/dose | \$5.40 | \$.72 |
| AZT/dose | \$2.50 | \$.83 |

DATA ANALYSIS

Based upon the above data, services provided to Mariel Cubans through the Refugee Mental Health Program are consistently and significantly less expensive than similar programs across the nation. In fact, the figures actually minimize the savings as it is easy to overlook that community services, almost without exception, have significant add-ons such as physician, medication or other ancillary services or supplies.

In addition, the sophistication and specialization of services provided at St. Elizabeths and the PHS Halfway Houses is invaluable to the successful rehabilitation of our clients. Special attention is directed towards cultural and ethnic issues that may impact on therapeutic success. There is a basic issue of the availability of bilingual staff. A Mariel Cuban can be in the most expensive treatment facility in the nation; but if he can't communicate his treatment will be unsuccessful.

UGIR25-WU MED 10:31

F.01

SUMMARY

Within the Cuban System, there will always be a percentage of the population in need of psychiatric services and follow-up. It will not be a question of whether to provide or not. These individuals, by the severity of their deficits will demand the attention of the system. They cannot be maintained in detention centers without services such as psychiatric evaluation and follow-up psychotherapy, acute and long term medical treatment and other vital ancillary services. The issue, therefore, is in most of the current PMS cases, mental health care is essential and what is the most cost effective manner.

This memorandum presents a comparison of the per diem costs of RMHP Projects with data on comparable programs. Based on this information, it would appear that the present system provides the most effective services to a very unique population.

INCREASE IN HATE CRIME

Mr. MOLLOHAN. I note in your testimony you identify significant increases in the incidents of racial conflict, of excessive force by police and of hate incidents. For example, from 1989 to 1991, hate crime incidents handled by CRS increased 63 percent.

Let me first ask you, do you attribute those increased numbers to better reporting, or do you attribute to an increase in the actual incidents?

Ms. HUGHES. We have not done a study of that. I would attribute it to several factors. One of them is that the people who believe they are being discriminated against or are violently attacked because of their color or ethnicity, are taking it upon themselves to contact us or law enforcement officials a lot more than they used to.

We also established a 1-800-HATE hotline in our agency in April of 1990, and that helped, I think, people to know more readily about the services our agency provides.

That is one of the things that I wanted to do when I came to the agency: let the public know that we are here and that we can help them. The publicity I think, contributes to the greater frequency of incidents reported to CRS.

Mr. MOLLOHAN. What is your base line for measuring the increase?

Mr. COLLINS. In terms——

Mr. MOLLOHAN. You are measuring an increase, so it is an increase from something. What is the something?

Mr. COLLINS. The increase would be incidents alerted within our information system, and also the number of cases conducted during a given year.

Mr. MOLLOHAN. Okay. But what is it an increase from? Reported in 19 some year? I mean what is your base line that you are working off of to measure an increase?

Ms. HUGHES. Each fiscal year.

Mr. MOLLOHAN. I understand. But you have to have—if you have an increase, you must have something to increase from. So are you saying from 1988 to today you have an increase——

Ms. HUGHES. Of X percentage?

Mr. COLLINS. Yes, sir.

Ms. HUGHES. We add it up each year. In 1989, we had 196.

Mr. MOLLOHAN. I am probably not asking this question correctly. It is pretty straightforward; I mean, I intend it to be. As I read down in this question, it says from 1989 to 1991. So your base line is 1989?

Ms. HUGHES. Yes.

Mr. MOLLOHAN. Do you anticipate that these types of incidents will level off in the near future or continue to rise?

Ms. HUGHES. Well, that depends on so many things in our society. If violence continues against racial and ethnic minorities; if, when it does happen, they report; and if in fact our hotline reaches enough people, they will know to call us. Under these circumstances, our workload numbers would increase. I think the prospects for a workload increase has a lot to do with all of those three and various other things.

Mr. MOLLOHAN. So you anticipate an increase?

Ms. HUGHES. I would say from what I have seen, from the historical numbers that I have here, it keeps going up, not down.

SUFFICIENCY OF RESOURCES FOR WORKLOAD

Mr. MOLLOHAN. Your budget, as we look at it, is barely keeping up with inflation. If you do expect an increase, how do you anticipate keeping up with the workload?

Ms. HUGHES. Well, we did have a budget increase in our conflict resolution activity for the first time in almost 20 years, last year. And that provided for additional slots, particularly in the field, which is where we need them. So that would help.

There is another way that I have to increase the effectiveness of existing resources. If there is a large crisis going on, we will bring people from the closest regions in to assist, as we did in Mount Pleasant so effectively. And we brought in people who were bilingual or who had experience in mediating large crises, which worked out here and was not that expensive. It worked out very well.

Mr. MOLLOHAN. Your 1993 budget request doesn't allow for program increases for conflict resolution. Will the level of funding you are requesting be sufficient to handle your projected work load?

Ms. HUGHES. I think, based on the fact that we got additional slots in 1992, that the budget increase will help. We have been getting along all these years; I guess we can do it.

But, as I said, we have made so many changes to the way we operate in our conflict resolution area, and again providing assistance to other regions, that I think we should be able to do it.

Mr. MOLLOHAN. We have a couple more questions that we are going to submit for the record. Thank you very much.

Ms. HUGHES. Thank you.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSWOMAN PELOSI

Community Relations Service
Care of Cubans and Haitians

QUESTION: Why do you believe that you will require almost a 50 percent increase in funding in 1993 for the reception, processing, and care of Cubans and Haitians?

ANSWER: The requested program increase for 1993 is necessary for a number of reasons. In 1992, as in prior years, due to increasing program costs and budget constraints, CRS is expected to fund some of its base programs out of carry over resources. However, at the end of 1992, CRS will have virtually exhausted all of its carry over resources. Therefore, its base workload levels will decrease in 1993. Accordingly, much of CRS' program increases will simply restore the level of services to approximately that of 1992.

A significant portion of the program increase will yield increases in the level of service delivery in certain program areas. These increases are necessary to: address requirements for timely outplacement of Mariel Cubans from detention as they become eligible for release; provide adequate in-patient medical and mental health care capacity for Mariel Cubans; and provide for primary and secondary resettlement of Cubans and Haitians arriving in the United States via boats, rafts, and planes. Table I, below, identifies specific program enhancements that will result in increases in the level of services over the 1993 base level.

TABLE I

| PROGRAMS DIRECTLY AFFECTING WORKLOAD # | 1992 | BASE 1993 | 93 PROGRAM INCREASE | TOTAL 1993 |
|---|-------------|------------------|-----------------------------------|-------------------|
| CRS HALFWAY HOUSES: | 5 | 3 | 3 (\$3,407,000) | 6 |
| CRS HALFWAY HOUSE CASELOAD: | 520 | 300 | 360 | 660 |
| PHS HALFWAY HOUSES: | 2 | 2 | 1 (\$1,493,000) | 3 |
| PHS HALFWAY HOUSE CASELOAD: | 222 | 222 | 120 | 342 |
| ST. ELIZABETHS BEDS: | 95 | 50 | 20 (\$2,026,000) | 70 |
| ST. ELIZABETHS CASELOAD: | 175 | 100 | 40 | 140 |
| NEW ST. ELIZABETHS RELAPSE BEDS: | 0 | 0 | 10 (240 clients) (\$1,000,000) | 10 (240) |
| PRIMARY/SECONDARY CASELOAD: | 2,100 | 1,325 | 100 (\$113,000) | 1,425 |

Some program increases will result in enhancements to the quality of services provided. CRS believes that these programs must be strengthened and improved in order to decrease the flow of clients returning to federal custody through parole revocation actions. Table II, below, specifically identifies such program increases.

TABLE II

| PROGRAM ENHANCEMENTS | AMOUNT OF REQUEST |
|--|-------------------|
| Additional Follow-up Counselor at 3 new CRS Halfway Houses: | \$80,000 |
| Substance Abuse Counselor at CRS Halfway Houses: | \$300,000 |
| Additional Mental Health Evaluations and Automated Tracking Program: | \$80,000 |

QUESTIONS: How can you justify a 50 percent increase in funding when the workload estimates on page 29 of your justification materials do not identify any significant changes in 1993?

ANSWER: As noted in the above response, the requested program increase is necessary to: (1) restore the level of services to approximately that of 1992 in provision of in-patient medical and mental health care services to Mariel Cubans and provision of primary and secondary resettlement services to Cubans and Haitians; (2) obtain increases in the level of service delivery in outplacement of Mariel Cubans from detention; and (3) provide enhanced follow-up services and substance-abuse counseling for Mariel Cubans in CRS' halfway house programs and increased capacity for mental health evaluation of Mariel Cubans.

QUESTION: In last year's appropriation bill, we provided authority for the Federal Prisons and INS to reimburse CRS for the outplacement of Mariel Cubans from detention facilities into halfway houses. Do you plan to utilize this authority?

ANSWER: At this time, CRS does not expect to use these legislative provisions in 1992. However, absent the requested program increases in 1993, CRS may have to use these provisions to maintain base level workload.

THURSDAY, MARCH 12, 1992.

FOREIGN CLAIMS SETTLEMENT COMMISSION

WITNESSES

STANLEY J. GLOD, CHAIRMAN

DAVID BRADLEY, CHIEF COUNSEL

**HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR
ADMINISTRATION**

**MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-
LER**

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

FOREIGN CLAIMS SETTLEMENT COMMISSION'S 1993 REQUEST

Mr. MOLLOHAN. Continuing with our review of the Department of Justice, we will now hear testimony from the Foreign Claims Settlement Commission, which requests \$898,000 in fiscal year 1993.

We will insert in the record at this point the Commission's fiscal year 1993 budget justification.

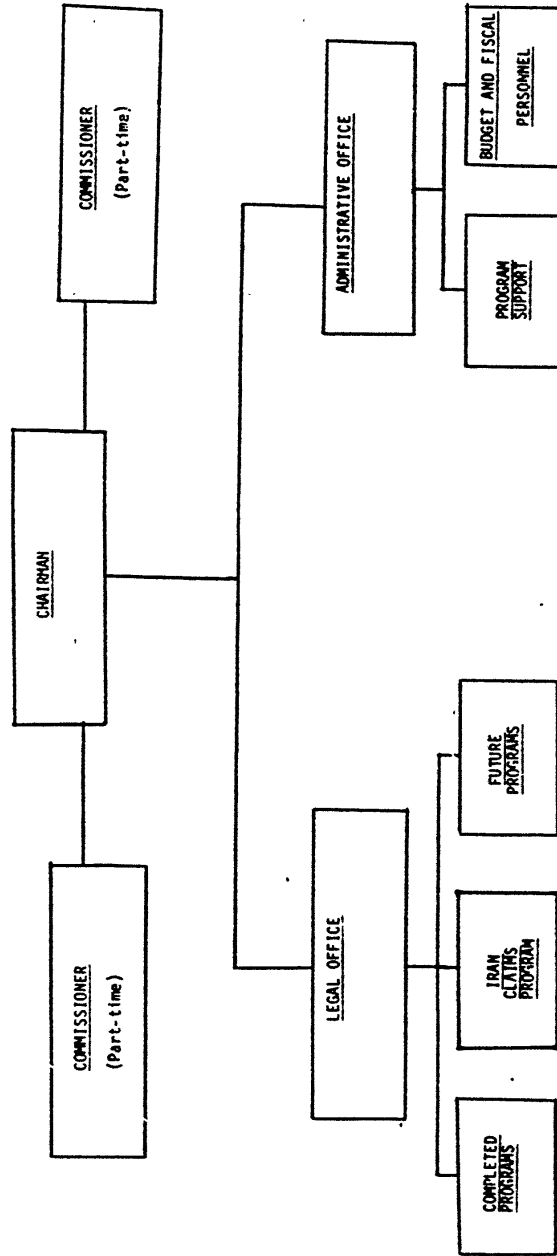
[The information follows:]

(1187)

DEPARTMENT OF JUSTICE
Foreign Claims Settlement Commission
Estimates for Fiscal Year 1993
Table of Contents

| <u>Item</u> | <u>Page</u> <u>Number</u> |
|--|------------------------------|
| Organization Chart..... | 1 |
| Summary Statement..... | 2 |
| Justification of Proposed Changes in Appropriation Language..... | 3 |
| Summary of Requirements..... | 4 |
| Justification of Program and Performance..... | 5 |
| Detail of Permanent Positions by Category..... | 7 |
| Justification of Adjustments to Base..... | 8 |
| Summary of Requirements by Grade and Object Class..... | 11 |

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE
UNITED STATES



Stanley J. Glod
STANLEY J. GLOD, CHAIRMAN

Foreign Claims Settlement Commission
 Summary Statement
 Fiscal Year 1991

The Foreign Claims Settlement Commission is requesting a total of \$898,000, 13 permanent positions and 12 workyears for 1993.

The Commission consists of a Chairman and two part-time Commissioners, who are appointed by the President with the advice and consent of the Senate. The part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chairman.

The principal mission of the Commission is to adjudicate claims of American citizens arising out of the nationalization, expropriation or other taking of their properties and interests by foreign governments, under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation. To date, the Commission has compiled and evaluated such claims against 15 countries: Yugoslavia, Panama, Bulgaria, Hungary, Romania, Italy, the Soviet Union, Czechoslovakia, Poland, Cuba, China, the German Democratic Republic (East Germany), Vietnam, Ethiopia, and Egypt.

In 1993, the Commission will continue with the adjudication of the approximately 3,100 claims of U.S. nationals against Iran which were settled under the terms of the agreement between the United States and Iranian governments signed on May 13, 1990 and implemented the next month. The Commission was authorized and directed to conduct this adjudication program under Title V of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (P.L. 99-93), approved August 16, 1985 (50 U.S.C. 1701 note). In addition, the Commission will continue its advisory function to the Congress and the Departments of State and Treasury concerning claims before the Iran-United States Claims Tribunal at The Hague.

The Commission will continue to provide technical assistance to the Department of State in conducting government-to-government claims settlement negotiations, as requested by the Department.

Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to American military prisoners of war held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

The Commission will continue to furnish information contained in the records pertaining to the 41 completed international and war-related claims programs it has conducted, as requested by claimants and their heirs, attorneys, researchers, and other members of the public. Upon request, it will also provide advice on policy determinations, preliminary planning, evaluation of pending claims legislation, and liaison with Congressional Committees considering legislation intended to provide for adjudication of additional types or classes of claims.

Foreign Claims Settlement CommissionSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1993 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Foreign Claims Settlement Commission

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, [5843,000] \$898,000

22 U.S.C. 1621-1645; 50 U.S.C. App. 2001-2017; 50 U.S.C. 1701 note; Department of Justice Appropriations Act, 1992; additional authorizing legislation to be proposed.

Explanation of changes:

No substantive changes proposed.

Foreign Claims Settlement Commission
Salaries and expenses
Justification of Program and Performance
Adjudication of International Claims

| Activity: Adjudication of International Claims | 1992 Appropriation | | | 1993 Base | | | 1993 Estimate | | | Increase/Decrease | |
|--|--------------------|--------------|--------------|---------------|--------------|--------------|---------------|--------------|--------------|-------------------|--------------|
| | Perm. Pos. | WY Amount | WY Amount | Perm. Pos. | WY Amount | WY Amount | Perm. Pos. | WY Amount | WY Amount | Perm. Pos. | WY Amount |
| | | | | | | | | | | | |
| | 13 | 12 | \$843 | 13 | 12 | \$898 | 13 | 12 | \$898 | ... | ... |

Long-Range Goal: To make effective determinations of unsettled claims of American nationals against foreign governments within the framework of the International Claims Settlement Act of 1949 and other pertinent statutes, and to provide assistance to claimants in past international and war claims programs.

Major Objectives:

- To carry out the adjudication of U.S. nationals' property and financial claims against Iran pursuant to the U.S.-Iranian en bloc claims settlement agreement of May 13, 1990, effective June 22, 1990.
- To assist the Department of State in negotiations for the settlement of adjudicated claims against foreign governments, including those of the former German Democratic Republic (East Germany), Vietnam, Cuba and the former Soviet Union.
- To provide assistance to the Department of State in the presentation of United States claims before the Iran-United States Claims Tribunal at The Hague.
- To provide general information concerning past programs and to respond to requests about specific decisions the Commission has made on past claims.
- To advise other agencies and the Congress concerning potential future programs and to comment on pending legislation.
- To assist the Department of the Treasury in making distributions on past awards certified by the Commission.
- To provide executive departments and private attorneys with legal precedents issued by the Commission.
- To conduct preliminary planning of pending new programs.
- To respond to requests for advice on policy determinations relating to the settlement of international claims.

Base Program Description:

In addition to its principal function of adjudicating United States nationals' claims against foreign governments, the Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with regard to the 41

completed international and war claims programs it has conducted. It also provides advice on policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and liaison with Congressional committees considering such legislation.

Accomplishments and workload:

Under the authority conferred upon it by Public Law 99-91, the Commission will continue to adjudicate claims of United States nationals against Iran for property losses amounting to less than \$250,000, pursuant to the on bloc settlement of those claims which was concluded between the United States and Iranian governments in May 1990 and took effect in June 1990. In addition, the Commission continues to provide technical assistance to the Department of State in its efforts to conclude claims settlement agreements with foreign governments, including, in particular, an agreement with the Government of Germany, to settle claims adjudicated under Public Law 94-542, and a similar agreement to settle claims for property expropriated by the government of the former Soviet Union.

utilizing its basic authority under Title I of the International Claims Settlement Act of 1949, as amended, the Commission will conduct claims adjudication programs following the Department of State's successful conclusion of claims settlements with foreign governments. In addition to Germany, countries with which agreements remain to be negotiated include Albania and the republics of the former Soviet Union. Under section 620(e) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2370(e)), the Commission also has ongoing authority, upon request of the President, to evaluate property of United States nationals expropriated or otherwise subjected to action by foreign governments in violation of international law.

Under the War Claims Act of 1948, as amended, the Commission is empowered to authorize payments of compensation to American prisoners of war and civilians captured or interned by hostile forces in Southeast Asia during the Vietnam conflict, or to their survivors, for inadequate rations and inhumane treatment while in captured status. The Commission to date has granted awards to 736 prisoners of war or their survivors in the amount of \$5,347,773; awards to 41 civilian internees in the amount of \$229,337; and awards to members of the crew of the USS Pueblo in the amount of \$68,675, for a total of \$5,645,785. The status of a small number of military servicemen listed as missing-in-action who may have been held as prisoners of war remains to be determined by the Department of Defense. Upon receipt of these final determinations, this program will be completed.

Foreign Claims Settlement Commission

Salaries and expenses

Detail of Permanent Positions by Category
Fiscal Years 1991 - 1993

| Category | 1991 Authorized | 1992 Authorized | 1993 |
|---|--------------------|--------------------|------|
| Attorneys (905)..... | 3 | 5 | 5 |
| General Administrative Clerical and Office Services (300-399)..... | 4 | 5 | 5 |
| Commissioners..... | 3 | 3 | 3 |
| Total..... | 10 | 13 | 13 |
| Washington..... | 10 | 13 | 13 |
| Total..... | 10 | 13 | 13 |

Foreign Claims Settlement CommissionSalaries and expensesJustification of Adjustments to Base
(Dollars in thousands)AmountMandatory Increases:

1. 1992 Pay Annualization..... \$4
This pay annualization represents only first quarter amounts (October through December) of the 1992 4.2 percent pay increase effective in January of 1992 plus appropriate personnel benefits (\$3,000 pay and \$1,000 benefits).
2. 1993 Pay Raise..... 16
This request provides for the proposed 3.7 percent pay raise to be effective in January of 1993 and is consistent with Administration policy. The amount requested, \$16,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$12,300 pay and \$3,700 benefits = \$16,000).
3. General Pay Reform Act Annualization..... 16
The Federal Employees Pay Comparability Act of 1990 attempts to achieve full parity between Federal and non-Federal employees on a geographic basis. This request annualizes the Department's needs for the differential costs for GS-5, 7, and 9 Federal employees occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll reports and provided for new positions, appropriate benefits, vacancy rates and cost-of-living increases.
4. Special Pay Rates..... 1
This request provides increases authorized by law in 5 U.S.C. §301. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations that went into effect on June 1, 1991.

| | Amount |
|---|--------|
| 5. Health Benefits..... The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$1,000 provides funds for actual increased costs from pay period 1 to pay period 2 of 1991 projected for a full year. | \$1 |
| 6. Federal Insurance Contributions Act..... Beginning the first full pay period after January 1, 1991, the base on which earnings for Social Security computations are calculated increased from \$54,450 to \$57,450. This increase of \$1,000 is computed based on the increase in the base rate. | 1 |
| 7. General Services Administration (GSA) Rent..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the rental charges in the Washington Metropolitan Area, GSA has allowed an overall 10.43 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$17,000 provides for this actual increase over the expected 1992 billing level. | 17 |
| 8. Financial Operations Service (FOS)..... This request provides for the additional costs in 1993 for FOS and the Department's Financial Management Information System (FMIS) processing charges. Over the past several years, Departmental growth and many government-wide management initiatives have significantly increased support requirements and associated costs for financial operations and systems. The demand for faster processing and expanding needs for management information continue to create higher costs. The FOS must respond to these urgent needs and, as a result, is facing a structural operating deficit. Therefore, an increase of \$3,000 is requested for 1993. | 3 |
| 9. General Pricing Level Adjustment..... This request applies GSA pricing guidance as of June 7, 1991, to selected expense categories. The increased costs identified result from applying a factor of 3.2 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1991 estimates. The total cost for this increase is \$3,000; out of this amount, we are absorbing \$2,000 for a net increase of \$1,000. | 1 |
| Total mandatory increases..... | 60 |

| Amount | |
|--------|--|
| | <u>Decreases (Automatic non-policy):</u> |
| -53 | 1. One Less Compensable Pay..... The annual salary rate for Federal employees is based on 260 paid days. 1993 has one less compensable day (261) than 1992 (262). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes a decrease of \$2,000 for pay and \$1,000 for benefits. |
| -2 | 2. Unemployment Compensation - Redistribution..... This decrease reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. |
| -5 | Total decreases..... |
| 55 | Total, adjustments to base..... |

Foreign Claims Settlement Commission

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| Grades and salary ranges | 1991 Actual | | 1992 Estimate | | 1993 Estimate | | Increase/Decrease Positions & Workyears Amount |
|--|--------------------------|------------|--------------------------|------------|--------------------------|------------|--|
| | Positions & Workyears | Amount | Positions & Workyears | Amount | Positions & Workyears | Amount | |
| Executive Level V, \$104,800..... | 1 | ... | 1 | ... | 1 | ... | ... |
| GS/GM-14, \$54,607-70,987..... | 1 | ... | 1 | ... | 1 | ... | ... |
| GS-13, \$46,210-60,070..... | 3 | ... | 5 | ... | 5 | ... | ... |
| GS-12, \$38,861-50,516..... | 1 | ... | 1 | ... | 1 | ... | ... |
| GS-9, \$26,798-34,835..... | 2 | ... | 2 | ... | 2 | ... | ... |
| GS-5, \$17,686-22,996..... | 2 | ... | 3 | ... | 3 | ... | ... |
| 1993 pay raise..... | ... | ... | ... | ... | ... | \$ 16 | \$16 |
| Total, appropriated positions..... | 10 | \$373 | 13 | \$581 | 13 | \$611 | \$30 |
| Pay above stated annual rates..... | ... | 2 | ... | 4 | ... | 2 | -2 |
| Lapse..... | -2 | -67 | -3 | -111 | -3 | -115 | -4 |
| Savings due to lower pay scales for part of year..... | ... | -2 | ... | -3 | ... | -4 | -1 |
| Net full-time permanent..... | 8 | 306 | 10 | 471 | 10 | 494 | 23 |
| Other than permanent: | | | | | | | |
| Part-time permanent employment*..... | 2 | 70 | 2 | 67 | 2 | 71 | 4 |
| Total, workyears and personnel compensation..... | 10 | 376 | 12 | 538 | 12 | 565 | 27 |
| Average GS/GM Salary..... | | (\$36,222) | | (\$39,667) | | (\$42,083) | |
| Average GS/GM Grade..... | | (11.3) | | (11.6) | | (11.7) | |

*Includes workyears associated with two Executive Level V part-time Commissioners and one other part-time employee.

Foreign Claims Settlement Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

| <u>Object Class</u> | <u>1991 Actual</u> <u>Workyears Amount</u> | <u>1992 Estimate</u> <u>Workyears Amount</u> | <u>1993 Estimate</u> <u>Workyears Amount</u> | <u>Increase/Decrease</u> <u>Workyears Amount</u> |
|---|---|---|---|---|
| 11 Personnel compensation: | | | | |
| 11.1 Full-time permanent..... | 8 \$301 | 10 \$471 | 10 \$494 | ... \$ 23 |
| 11.3 Other than permanent..... | 2 70 | 2 67 | 2 71 | ... 4 |
| 11.5 Other personnel..... | ... | ... | ... | ... |
| Total..... | 10 376 | 12 538 | 12 565 | ... 27 |
| Other objects: | | | | |
| 12 Personnel benefits..... | 72 | 104 | 111 | 7 |
| 13 Benefits to former personnel..... | ... | 2 | 2 | ... |
| 21 Travel and transportation of persons.. | 11 | 19 | 19 | ... |
| 22 Transportation of things..... | 2 | ... | ... | ... |
| 23.1 Rental payments to GSA..... | 88 | 111 | 126 | 15 |
| 23.3 Communications, utilities, and miscellaneous charges..... | 17 | 20 | 20 | ... |
| 24 Printing and reproduction..... | 7 | 5 | 5 | ... |
| 25 Other services..... | 18 | 21 | 24 | ... |
| 26 Supplies and materials..... | 13 | 7 | 10 | 3 |
| 31 Equipment..... | 23 | 16 | 16 | ... |
| Total requirements | 10 633 | 12 843 | 12 898 | ... 55 |
| Relation of obligations to outlays: | | | | |
| Obligated balance, start-of-year..... | 54 | 94 | 132 | |
| Obligated balance, end-of-year..... | -94 | -132 | -138 | |
| Adjustments in expired accounts..... | 3 | ... | ... | |
| Outlays..... | 596 | 805 | 892 | |

INTRODUCTION

Mr. MOLLOHAN. The Committee welcomes back Stanley J. Glod, Chairman of the Foreign Claims Settlement Commission. Mr. Glod, your written testimony will be placed in the record, and we would appreciate your proceeding with your oral testimony.

But before you do that, will you please introduce the other witness at the table.

GENERAL STATEMENT

Mr. GLOD. Thank you, Mr. Chairman. I am accompanied today by Mr. David Bradley, who is the Chief Counsel to the Commission. I very much appreciate the opportunity to be here on behalf of the Commission's 1993 fiscal year budget request, and as you have already pointed out, it is a request of \$898,000, representing an increase of only \$55,000 compared to last year's appropriation. And I might parenthetically add that that is representative only of the mandatory increases that all of us have been experiencing.

ADJUDICATION OF CLAIMS

The Commission's main activity in 1993, Mr. Chairman, will largely be centered around the completion of the Iranian claims program. As you know, the State Department negotiated a claims settlement agreement with the government of Iran in 1990. It went into effect in June of that year, with a funding of \$50 million coming into the U.S. Treasury later that year in September.

Since that time, we have commenced a program that includes approximately 3,120 cases, representing U.S. citizens' claims against the government of Iran for previous takings and expropriations that occurred largely during the period of the 1979 Iranian revolution.

The Commission, however, is involved in a number of other activities, in addition to the Iranian situation, that involve assistance primarily to the State Department of a technical nature. This includes, amongst others, the ongoing negotiations that the State Department is conducting with certain republics of the former USSR for the takings largely represented by the 1917 Czarist bond issues and other claims.

We have also assisted the Department of State in matters involving claims of U.S. citizens against the former German Democratic Republic, and as you know, those claims have been offered to be paid by the German government in Bonn. Those are ongoing situations, and, of course, with the democratizing situation in Eastern Europe, the Commission continues to provide assistance on matters involving claims in countries such as Albania.

Looking at another part of the world, we are also involved in working on the current normalization process that involves Vietnam. The Commission, some years ago, decided a number of cases involving Vietnam losses largely centered around the era of the Vietnam War. That includes a number of prisoner of war or intern-ee cases during the Vietnam conflict. Those have been adjudicated and still remain to be infused with money.

And, of course, as the situation with Vietnam normalizes, we expect that that issue will also be addressed. The Commission, on a purely administrative side of the house, is also involved in not only answering inquiries from the Congress, but other inquiries from the public regarding previous claims programs.

We are considered the repository on all prisoner of war records, and as these people submit requests for various Federal and State programs, we are primarily called upon to certify that they, at some point, had a prisoner of war status.

Now, Mr. Chairman, that concludes my very brief summary of my statement, and if you have any questions, I would be more than happy to help you.

[The prepared statement of Mr. Glod follows:]

DEPARTMENT OF JUSTICE
FOREIGN CLAIMS SETTLEMENT COMMISSION

STATEMENT OF STANLEY J. GLOD, CHAIRMAN
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have this opportunity to appear before you in support of the Foreign Claims Settlement Commission's fiscal year 1993 budget request.

The Commission is requesting \$898,000 in 1993 for thirteen permanent employee positions and twelve workyears. This represents an increase of \$55,000 compared to the agency's fiscal year 1992 appropriation. The \$898,000 requested includes \$678,000 for personnel costs and benefits and \$220,000 for support costs.

The Commission's main activity in 1993 will be to continue the adjudication of United States nationals' claims against the Government of Iran. These claims, which number approximately 3,100 and are for under \$250,000 each, were settled under the terms of an agreement between the United States and Iranian governments signed at The Hague, Netherlands, which took effect on June 22, 1990. A compensation fund for payment of the Commission's awards, amounting to \$50 million, was established in the United States Treasury in September 1990. The Commission has adjudicated over 400 claims so far, making awards of approximately \$7 million for payment out of this fund, and has set itself a deadline of September 1993 for completion of this process.

As my predecessors have pointed out to the Subcommittee in previous years, the operating expenses of the Commission ultimately

- 2 -

are borne only partially, if at all, by the taxpayer. In virtually all instances, the legislation authorizing the adjudication of claims--including the claims against Iran--has provided for deduction of a percentage of the funds obtained from foreign governments for payment of the Commission's awards to the credit of miscellaneous receipts in the United States Treasury to defray the administrative expenses of conducting the claims programs. Since 1950, the obligations of the Commission and its predecessors have amounted to approximately \$30 million, but during that same period the deductions taken have amounted to over \$32 million.

During 1993 we expect that the Commission will also continue to assist the Department of State in negotiating agreements with foreign governments to provide lump-sum settlements of claims adjudicated in previous Commission programs. Settlement negotiations with the former German Democratic Republic were begun in 1982 and, since the German unification, have continued with the German Federal Republic. Similarly, settlement negotiations with the former Soviet Union were begun in 1988, and have continued since then in talks with some of the constituent states of the former U.S.S.R. In addition, the Commission will continue to provide assistance on claims issues involving other countries, including Albania, Iraq, and Vietnam, in the coming fiscal year.

Finally, during fiscal year 1993 the Commission will adjudicate any additional claims which United States Armed Forces personnel and civilians, or their survivors, may file for compensation based on inadequate food rations and inhumane

treatment received while held as prisoners-of-war or internees during the Vietnam conflict, as mandated by Public Law 91-289. While it might seem unlikely that any claims remain, our Government's renewed efforts to account for MIA's in Southeast Asia undoubtedly will bring additional filings.

In addition, as part of its prisoner-of-war responsibilities with respect to prisoner-of-war claims, the Commission will continue to provide information from its records on World War II, Korean War and Vietnam War-era claims to veterans and their families seeking to qualify for benefits under various state and Federal programs.

Mr. Chairman, this concludes my statement in support of the Commission's fiscal year 1993 budget request. I will be happy to answer any questions which you or the other Members of the Subcommittee may have.

IRAQ ADJUDICATION

Mr. MOLLOHAN. Am I correct that your 1993 budget request simply continues current programs adjusted for inflation?

Mr. GLOD. That is correct, sir.

Mr. MOLLOHAN. During last year's hearing, we asked you about possible claims against Iraq, about possible losses as a result of the Persian Gulf War. Have any claims been submitted to the Commission?

Mr. GLOD. No, sir, they have not as yet been. As you know, that whole process is currently being administered by the Claims Compensation Commission that is conducted by the United Nations in Geneva.

There is no doubt that the Foreign Claims Settlement Commission, at some point in time, will be called upon to adjudicate certain classes of those claims. However, that remains to be seen, and only upon the completion of the work by the U.N. Compensation Commission.

Mr. MOLLOHAN. Do you have authority to prosecute claims against Iraq?

Mr. GLOD. At the present time, Mr. Chairman, we do not have the authority, and that would be something further that would be required from the Congress.

Mr. MOLLOHAN. Assuming you had the authority, will you be able to handle the associated workload within the funding request that you have made?

Mr. GLOD. My guesstimate is, Mr. Chairman, that we would not be able to handle it in the context of the existing staff. It would require a substantial increase in staffing, simply because current estimates on the Iraqi claims would be roughly in the vicinity of some 4,000 to 6,000.

IRAN ADJUDICATION

Mr. MOLLOHAN. Finally, do you anticipate settling all claims against Iran in fiscal year 1993?

Mr. GLOD. We hope to do that, Mr. Chairman, by the end of September, possibly October 1993.

Mr. MOLLOHAN. Does that mean that, in the absence of any new major claims, your staffing levels will be able to reduce to the fiscal year 1991 levels in fiscal year 1994?

Mr. GLOD. I don't know that I understand your question. If we continue on the current schedule, we should be able to remain within this parameter. The only knee jerk we would have, fiscally, is if we get a new program such as the Iraqi program, or whatever further might happen in the context of world events.

Mr. MOLLOHAN. Well, I guess the question is, in the absence of any new major claims.

Mr. GLOD. We would have to RIF, sir, yes, reduction in force.

Mr. MOLLOHAN. But my question is: In the absence of any new major claims, and in anticipation of your settling all claims against Iran in fiscal year 1993, would your staffing levels be able to be reduced to the fiscal 1991 levels by fiscal year 1994?

Mr. GLOD. Probably would be.

Mr. MOLLOHAN. Thanks very much for your appearance here today.

Mr. GLOD. Thank you, Mr. Chairman. Thank you.

WITNESSES

| | Page |
|---------------------------|--|
| Atsatt, M.B..... | 803 |
| Bayse, W.A..... | 385 |
| Beusse, R.L..... | 605 |
| Bonner, R.C..... | 803 |
| Bradley, David..... | 1187 |
| Brewington, A.D..... | 1109 |
| Brixey, J.A..... | 385 |
| Carey, M.W..... | 961 |
| Carter, J.I..... | 769 |
| Chase, J.P..... | 1 |
| Clarke, F.I..... | 385 |
| Collins, A.E., Jr..... | 1109 |
| Copeland, C.H..... | 907 |
| Curtis, A.A..... | 1, 269, 385, 605, 769, 803, 907, 961, 1109, 1187 |
| Flickinger, H.H..... | 1, 605, 769, 907, 1187 |
| Getty, G.P..... | 769 |
| Glod, S.J..... | 1187 |
| Gow, W.D..... | 385 |
| Hayes, R.J..... | 269 |
| Houk, W.B..... | 605 |
| Howard, J.R..... | 907 |
| Hudson, H.E..... | 269 |
| Huggins, M.W..... | 605 |
| Hughes, G.F..... | 1109 |
| Kay, Richard..... | 803 |
| Ketchpaw, W.P..... | 769 |
| Kleinknecht, Gilbert..... | 1 |
| Kramer, F.W..... | 961 |
| McKenzie, Lynn..... | 1109 |
| McNary, Gene..... | 1 |
| Mueller, Donald..... | 1 |
| Padgett, G.B..... | 1109 |
| Potts, L.A..... | 385 |
| Puleo, James..... | 1 |
| Quinlan, J.M..... | 605 |
| Quinn, D.P..... | 803 |
| Rath, Kenneth..... | 1 |
| Rees, G.J., III..... | 1 |
| Roche, J.B..... | 269 |
| Roger, M.J..... | 1, 269, 385, 605, 769, 803, 907, 961, 1109, 1187 |

| | Page |
|--------------------|------|
| Sale, Chris | 1 |
| Seiter, R.P..... | 605 |
| Sessions, W.S..... | 385 |
| Twomey, J.J..... | 269 |
| Weiss, J.L..... | 1109 |

INDEX

| | Page |
|---|-------------------------|
| Assets Forfeiture Fund | 907 |
| Automated Data Processing System..... | 947 |
| Automation..... | 936, 950 |
| Biography, Howard, Jeffrey R..... | 937 |
| Budget: | |
| Justification | 908 |
| Request | 935 |
| Consolidated Asset Tracking System | 936, 950 |
| Equitable Sharing Payments..... | 935, 939, 946, 952, 955 |
| Introduction..... | 907 |
| Legislative changes..... | 942 |
| ONDCP Special Forfeiture Fund..... | 941 |
| Operations: | |
| Aid to States | 949 |
| Funds, use of..... | 949 |
| Income and expenses | 943 |
| Participating agencies | 948 |
| Success of | 935 |
| White collar crime statistics..... | 945 |
| Seized Assets: | |
| Adoptive seizures..... | 954 |
| Disposal of..... | 950 |
| International forfeitures | 944 |
| Money laundering..... | 944, 951 |
| Savings and Loan | 945 |
| Sharing of..... | 950 |
| Statement: | |
| Formal | 938 |
| General | 935 |
| Questions for the record..... | 952 |
| Community Relations Service | 1109 |
| Conflict Resolution: | |
| Program..... | 1158, 1159 |
| Law Enforcement, Use of excessive force | 1160 |
| Justification..... | 1110 |
| Hate Crime..... | 1161, 1183 |
| Haitian Refugees: | |
| Migration Crisis..... | 1170 |
| Population..... | 1173 |
| Hotline..... | 1161, 1183 |
| Mariel Cuban Detention: | |
| Institutional Care Cost | 1175 |
| Processing..... | 1176, 1186 |

| | |
|--|------------------------------|
| Community Relations Service—Continued | |
| Maríel Cuban Detention—Continued | Page |
| Medical Cost | 1177 |
| Operation Jumpstart | 1162, 1163 |
| Questions for the record | 1185 |
| Reception, Processing, and Care: | |
| Confinement, Saint Elizabeths | 1174 |
| Program | 1159, 1163, 1173, 1185 |
| Medical and Mental Health Care | 1166 |
| Outplacement of Maríel Cubans from Detention | 1164 |
| Resettlement of Cubans/Haitians | 1167, 1170, 1172, 1173 |
| Resettlement Cost | 1170, 1171, 1172, 1175 |
| Statement: | |
| Formal | 1158 |
| General | 1157 |
| Workload, Resources for | 1184, 1186 |
| Youth, Gang and Drug Crime | 1162 |
| Drug Enforcement Administration | 803 |
| Accomplishments | 862, 869 |
| Andean Strategy | 865, 880, 894, 899 |
| Automated data processing, EPIC | 866, 882, 899 |
| Aviation: | |
| Aircraft | 867, 884, 888, 901, 904, 905 |
| Aviation operations center | 901 |
| Support | 866, 883, 901, 904, 905 |
| Budget: | |
| Justification | 804 |
| Request | 803, 865, 879 |
| Chemical Control/Clandestine labs | 864, 878 |
| Chemical Diversion and Trafficking Act | 864, 878 |
| Cooperation: | |
| Foreign governments | 864, 876, 894 |
| State and local agencies | 863, 866, 875, 881, 888, 901 |
| Diversion control | 864, 878, 905 |
| Domestic cannabis eradication | 864, 873 |
| Domestic enforcement | 866, 886 |
| Drugs: | |
| Cartels | 863, 871, 894 |
| Cocaine, increased consumption of | 894 |
| Commitment, war on | 869 |
| Control strategy | 870 |
| Heroin | 872, 896 |
| LSD | 874 |
| New | 895 |
| Organized crime | 865, 876, 879, 887, 888 |
| El Paso Intelligence Center | 866, 882, 899 |
| Government Accounting Office | 889 |
| Intelligence, sharing | 887 |
| Kingpin Strategy | 862, 870 |

| | |
|--|-----------------------------------|
| Drug Enforcement Administration—Continued | Page |
| National security data protection | 889 |
| Northern Border Response Force | 864, 877, 900 |
| Operation CADENCE | 864, 865, 877, 880 |
| Operation SNOWCAP | 864, 865, 876, 880, 894, 899 |
| Organized Crime Drug Enforcement Task Forces | 865, 876, 879, 888 |
| Procurement | 902 |
| Questions for the record | 886 |
| Regional Drug Intelligence Squads | 886 |
| State & local task forces | 864, 866, 875, 881, 888, 901 |
| Statement: | |
| Formal | 868 |
| General | 862 |
| Training, Quantico facility | 897, 901 |
| Undercover operations | 908 |
| Federal Bureau of Investigation | 385 |
| Automation: | |
| Budget request | 537, 582 |
| Felon Identification in Firearms Sales | 510, 558 |
| IAFIS | 536, 537, 556, 582, 583, 592, 595 |
| Image Transmission Network | 510, 556, 583, 595 |
| NCIC | 508, 509, 511, 573, 580, 599 |
| Capital Surplus, Assets Forfeiture Fund | 600 |
| Civil rights violations | 571 |
| Counterterrorism | 512, 586 |
| Drugs: | |
| Asian trafficking | 512, 545, 546, 547, 548, 590 |
| Intelligence gathering (see also RDIS) | 564 |
| Investigation | 540 |
| National Strategy | 536, 543, 544 |
| OCDE | 511, 529 |
| Regional Drug Intelligence Squads (RDIS) | 511, 528, 529, 565, 579 |
| Felon Identification in Firearms Sales | 510, 558 |
| Fingerprint Identification (see also IAFIS) | 510 |
| Financial Institution Fraud | 511 |
| Foreign counterintelligence | 513, 530, 540, 541 |
| Forensic technology/DNA | 539, 756 |
| Fraud: | |
| Bank | 538 |
| Bankruptcy | 568 |
| Financial institution | 538, 566 |
| Health care | 509, 511, 533, 534, 567, 574 |
| Fugitive apprehension | 598 |
| Gangs, Violent | 547, 596 |
| Hate crimes | 547 |
| Hostage Rescue Team (HRT) | 512, 561, 577, 587 |
| IAFIS | 536, 537, 556, 582, 583, 592, 595 |
| Intelligence: | |
| Commercial | 532 |
| EPIC | 542 |
| Desert Storm | 531 |
| Foreign counterintelligence | 513, 530, 540, 541 |

| | |
|---|--|
| Federal Bureau of Investigation—Continued | |
| Intelligence—Continued | Page |
| Gathering (see also RDIS)..... | 564 |
| National Drug Intelligence Center (NDIC)..... | 528, 536, 541, 542 |
| RDIS..... | 511, 528, 529, 565, 579 |
| State and local, Sharing with..... | 542 |
| Introduction..... | 385 |
| Investigations, Background..... | 572 |
| Justification..... | 386 |
| La Costa Nostra..... | 512 |
| National Security Threat List..... | 513, 530, 532 |
| Organized crime..... | 512, 535, 546, 547, 548, 552 |
| Political contributions, Peoples Republic of China..... | 548, 549 |
| Questions for the record..... | 554 |
| RICO (Racketeer Influenced and Corrupt Organizations Statute).... | 512, 535, 547 |
| Safe Streets..... | 508, 548 |
| Special Program..... | 513 |
| Statement: | |
| Formal..... | 514 |
| General..... | 508 |
| Talladega..... | 512, 578 |
| Telemarketing Fraud..... | 569, 581 |
| Telephony: | |
| Digital..... | 543, 544, 549, 552, 554, 597 |
| Electronic..... | 553 |
| Equipment and technical support..... | 512 |
| Technology, Need for new..... | 544, 546, 549, 550 |
| Total Quality Management..... | 534, 602 |
| Training: | |
| Construction..... | 600 |
| Quantico, Academy at..... | 538, 539, 545, 569, 575 |
| Violent crime (see also Safe Streets and Gangs)..... | 509, 540, 552, 580 |
| Weed and Seed..... | 580 |
| White-collar crime..... | 510, 511, 533, 534, 538, 566, 574, 589 |
| Wire taps: | |
| Examples of..... | 545, 550, 553 |
| Value of..... | 550 |
| Federal Prison System..... | 606 |
| AIDS..... | 752 |
| Activations..... | 736, 761 |
| Arkansas, Forrest City..... | 742, 766 |
| Boot camp..... | 740 |
| Budget request..... | 606 |
| Building and Facilities..... | 674, 717 |
| Capacity expansion..... | 721 |
| Clinical studies, use of prisoners..... | 753 |
| Detention: | |
| Contract..... | 718 |
| Washington, D.C. Center..... | 734 |
| Drug abuse/treatment..... | 739, 750, 751, 762 |
| Federal Medical Center..... | 731 |
| Federal Prison Industries..... | 709, 762 |
| Fines, sentencing guidelines..... | 733 |

| | Page |
|---|-----------------------------------|
| Federal Prison System—Continued | |
| Halfway Houses, GAO report | 735 |
| Hawaii facility | 761 |
| Hazardous waste removal | 531 |
| Incarceration: | |
| Family contact | 745, 747 |
| Fee | 732, 733, 744 |
| Near home | 746 |
| U.S. rates | 744 |
| Inmate programs, funding for | 752 |
| Justifications: | |
| Buildings and Facilities | 674 |
| Federal Prison Industries | 709 |
| National Institute of Corrections | 661 |
| Salaries and Expenses | 606 |
| Medical services | 718, 725, 731, 732, 742, 758, 759 |
| National Institute of Corrections | 661, 718, 729 |
| Population: | |
| AIDS | 752 |
| Clinical studies | 753 |
| Conjugal visits | 747 |
| Family contact | 745, 747 |
| Growth/projections | 736 |
| High school equivalency | 757 |
| Medical care/costs | 718, 725, 731, 732, 742, 758, 759 |
| Overcrowding | 737, 738 |
| Rated capacity | 738, 744 |
| Recidivism vs., rehabilitation | 749 |
| Prison: | |
| Activations | 736, 755, 761 |
| AIDS | 752 |
| Boot camp | 740 |
| Capacity expansion | 721 |
| Construction: | |
| Cost increases | 756 |
| Delay in | 755, 756, 760 |
| Land acquisition cost | 731 |
| Medical facilities | 758 |
| New | 754, 760 |
| Education and training | 757 |
| Fort Meade, site rejection | 734 |
| Halfway houses | 735, 746 |
| Hospital | 724, 742 |
| Intensive confinement | 740 |
| Land acquisition costs | 731 |
| Security, lower | 738 |
| Site rejection, Fort Meade | 734 |
| Washington, D.C. Detention Center | 734 |
| Questions for the record | 760 |
| Recidivism | 749 |
| Saint Michael's Hospital | 742 |
| Statement: | |
| Formal | 719 |
| General | 717 |

| | Page |
|--|-----------------------------------|
| Foreign Claims Settlement Commission | 1187 |
| Claims: | |
| Czarist Bond Issues | 1201 |
| German Democratic Republic | 1201 |
| Iranian..... | 1201, 1206 |
| Iraqi..... | 1206 |
| Vietnam War..... | 1201 |
| Introduction..... | 1201 |
| Justification..... | 1188 |
| Prisoner of War records..... | 1202 |
| Request..... | 1187 |
| Staffing..... | 1206 |
| Statement: | |
| Formal | 1208 |
| General | 1201 |
| Immigration and Naturalization Services | 1 |
| Aliens: | |
| Apprehensions..... | 221, 225, 232, 234, 260, 265, 266 |
| Criminal | 193, 198 |
| Detention and deportation of..... | 193, 200, 213, 233, 244, 258, 259 |
| Automation: | |
| Computer Linked Application Information Management System (CLAIMS)..... | 274 |
| Fingerprint Identification System..... | 266 |
| Visas, machine-readable..... | 226 |
| Biography, Sale, Myrta K..... | 206 |
| Budget before Congress..... | 169 |
| Border crossing, legal | 235 |
| Border Patrol: | |
| Apprehensions..... | 221, 225, 234 |
| Canadian | 209, 217, 221 |
| Program | 192, 197 |
| Staffing..... | 232, 260, 265, 266 |
| Corruption: | |
| INS officials | 220 |
| Part-time workers..... | 220 |
| Criminal investigators, additional | 215 |
| Demonstration project..... | 217 |
| Employer sanctions..... | 227, 229 |
| Examinations fee..... | 123, 194, 202, 212, 263 |
| Free trade agreement..... | 234 |
| GAO audit findings..... | 232, 264 |
| Identification: | |
| Anti-counterfeit cards..... | 257 |
| Fingerprint system..... | 226 |
| Machine-readable visas..... | 226 |
| Social security cards..... | 222, 225, 226 |
| Immigration Act of 1990..... | 201, 212, 224, 256 |

Immigration and Naturalization Services—Continued

| | Page |
|--|------------------------------|
| Inspections: | |
| Airport | 246 |
| Land Border | 160, 195, 203, 219, 234, 241 |
| London | 239, 261 |
| Staffing | 216, 219, 264 |
| Training | 223, 224, 230, 251 |
| Justifications: | |
| Immigration Emergency Fund | 73 |
| Immigration Examinations Fee | 123 |
| Immigration Legalization | 76 |
| Immigration User Fee | 93 |
| Land Border Inspections Fee | 160 |
| Salaries and Expenses | 2 |
| Land border inspections | 160, 195, 203, 219, 234, 241 |
| National Enforcement Operations Center | 229, 230 |
| Overtime control | 214, 215 |
| Preinspection, London | 239, 261 |
| Questions for the record | 238 |
| Reduction, program | 194, 201 |
| Refugees, Salvadoran | 256 |
| Reprogramming: | |
| Management problems | 238 |
| Personnel increases | 260 |
| Services to fee | 207, 211 |
| Visa fee | 207, 208, 236, 250, 254, 262 |
| Staffing model | 218, 231, 232, 264 |
| Statement: | |
| Formal | 196 |
| General | 192 |
| Social security identification | 222, 225, 226 |
| Visas: | |
| Fee | 207, 208, 236, 250, 254, 262 |
| Machine-readable | 226 |
| rganized Crime Drug Enforcement | 961 |
| Biography, Carey, Michael W | 1014 |
| Case summaries | 1031 |
| Drug trafficking: | |
| Asian | 1103 |
| Financial information | 1104 |
| Intelligence | 1103, 1104 |
| Financial Crimes Enforcement Network | 1012, 1103, 1106 |
| High Intensity Drug Trafficking Areas | 1107, 1108 |
| Intelligence: | |
| El Paso Intelligence Center | 1104 |
| National Drug Intelligence Center | 1104 |
| Introduction | 1011 |
| Justification | 962 |
| Organized crime | 1103 |
| Questions for the record | 1106 |
| Statement: | |
| Formal | 1015 |
| General | 1011 |

Organized Crime Drug Enforcement—Continued

| | |
|--|-------------------------|
| Task Force program: | Page |
| Background | 1011 |
| Financial investigations | 1104 |
| Funding | 1106 |
| Growth of | 1029 |
| Interagency cooperation | 1011, 1106 |
| Treasury agencies, Funding of | 1106 |
| Questions for the record | 1106 |
| Support of United States Prisoners (See United States Marshals Service) | |
| United States Marshals Service, Support of United States Prisoners | 269 |
| ADP and telecommunications | 356 |
| Aircraft: | |
| Condition of | 361, 365 |
| Inventory | 360 |
| Biography, Hudson, Henry E. | 349 |
| Budget: | |
| Justification | 270 |
| Request | 269, 347, 350, 357, 375 |
| Reductions in | 357, 376 |
| Camp Beauregard | 347, 351, 365, 369, 371 |
| Chief Financial Officers Act | 357 |
| Contract jail days | 358 |
| Cooperative Agreement Program: | |
| Funding | 350, 381 |
| Hawaiian project | 373, 378 |
| Program | 358, 373, 381 |
| Projects, potential | 359, 377 |
| Reduction to | 377 |
| District of Columbia Superior Court | 355, 375 |
| Field support and training | 356 |
| Financial management | 347, 356, 382 |
| Fugitive apprehension: | |
| Overseas | 373 |
| Program | 372 |
| Warrants | 372 |
| Holding cells, Construction of | 381 |
| Justifications: | |
| Support of United States Prisoners | 331 |
| United States Marshals Service | 270 |
| Judicial process, Protection of | 351, 380 |
| Management and support services | 356 |
| Memorial, United States Marshals | 376 |
| Prisoner transportation and detention | 354, 359, 376, 381 |
| Prisoners, U.S. care of | 357 |
| Questions for the record | 380 |
| Security: | |
| Judicial | 352 |
| Prisoner | 353, 374 |
| Seized assets: | |
| Disposal | 369 |

United States Marshals Service, Support of United States Prisoners—Continued

| | |
|--|---------------|
| Seized assets—Continued | Page |
| Inventory..... | 368 |
| Management..... | 347, 366, 369 |
| Quality..... | 368 |
| Storage..... | 367 |
| Services, Mandatory minimum..... | 372 |
| Service of Process..... | 356, 376 |
| Special Operations Group..... | 366, 371, 380 |
| Statement: | |
| Formal | 350 |
| General | 347 |
| Summary..... | 358 |
| Support services..... | 356 |
| Workload, Increase in..... | 371 |
| United States Parole Commission | 769 |
| Biography, Getty, Carol P..... | 793 |
| Budget request..... | 769, 790, 794 |
| Commissioner vacancies..... | 798, 801 |
| Contract Employees, Converting..... | 798, 800 |
| Electronic monitoring: | |
| Intensive supervision program..... | 791, 796, 800 |
| Community sanctions project..... | 794, 799 |
| Justification..... | 770 |
| Office closing..... | 791, 795, 798 |
| Statement: | |
| Formal | 794 |
| General | 790 |